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2200 PNC CENTER
201 EAST FIFTH STREET
CINCINNATI, OH 45202

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APR 27 2010

OFFICE OF PETITIONS

In re Application of
Randall Lee Morris
Application No. 10/398,387
Filed: March 19, 2003
Attorney Docket No. 11601-0514422

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 29, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed March 10, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 11, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). 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).

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.

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

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

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

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/398,387	**Applicant(s)** MORRIS, RANDALL LEE	
	Examiner MARK A. DEUBLE	**Art Unit** 3651	

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

THE REPLY FILED 29 December 2009 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 _____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: *The limitation that there is a gap between each pair of forwardly extending arms of the flight arm connector links and the Y-shaped connector links sufficient to engage two drive sprockets has not previously been considered and therefore the claim raises new issues that would require further search and consideration. Furthermore, the added claim language stating that there is "a gap between each said pair of forwardly extending arms of said flight arm connector links and of said Y-shaped connector links" may be indefinite under 35 U.S.C. 112 because it leaves unclear what part of the Y-shaped connector links defines the gap with the forwardly extending arms of the flight arm connector links.* (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Mark A. Deuble/
Primary Examiner
Art Unit: 3651

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JUL 08 2010

OFFICE OF PETITIONS

In re Application of :
Randall Lee Morris :
Application No. 10/398,387 : ON PETITION
Filed: March 19, 2003 :
Attorney Docket No. 11601-0514422 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 21, 2010, to revive the above-identified application.

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. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The 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 10, 2005. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). 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 11, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

This application has been abandoned for an extended period of time. The U.S. Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." See Changes to Patent Practice and Procedure, 62 Fed. Reg., at 53160 and 53178; 1203 Off. Gaz. Pat. Office, at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the U.S. Patent and Trademark Office).

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 concerning this decision should be directed to the undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3651 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

April M. Wise
Petitions Examiner
Office of Petitions

cc: ANN G. SCHOEN
FROST BROWN TODD, LLC
2500 PNC CENTER
201 EAST FIFTH STREET
CINCINNATI, OH 45202-4182

12 AUG 2003

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FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

In re Application of	:	
Daniel S. Rooks	:	
Application Serial No.: 10/398,389	:	
PCT No.: PCT/US01/41957	:	DECISION ON PETITION
Intl. Filing Date: 30 August 2001	:	UNDER 37 CFR 1.137(b)
Priority Date: 30 August 2000	:	
Attorney's Docket No: M01037-70001.US INB/KMK:		
For: SYSTEM FOR DEVELOPING IMPLEMENTING	:	
AND MONITORING A HEALTH MANAGEMENT	:	
PROGRAM	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 7 April 2003.

BACKGROUND

On 30 August 2001, applicants filed International Application PCT/US01/41957 which claimed priority to an earlier application filed on 30 August 2000. Accordingly, pursuant to 37 CFR 1.495, the thirty month period for paying the basic national fee expired on at midnight on 2 March 2003.

On 7 April 2003, applicants filed the instant petition and national stage papers in the United States including, inter alia, a transmittal letter stating that the application was being filed under 35 U.S.C. 371, a copy of the international application, and the oath or declaration for the sole named inventors. Applicant also remitted the basic national fee and authorized any additional amounts to be charged to deposit account 23-2825.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be filed promptly after applicant becomes aware of the abandonment and must be accompanied by: (1) the required reply, unless previously filed, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional and (4) a terminal disclaimer (for applications filed before 8 June 1995).

As to item (1), the petition was accompanied by the required reply in the form of a check for payment of the U.S. Basic National Fee.

As to item (2), the petition is accompanied by the required petition fee.

As to item (3), the petition is accompanied by applicants' 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."

As to item (4), a terminal disclaimer is not required in the present case.

CONCLUSION

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

The additional $65.00 surcharge (for filing the oath or declaration after thirty months from the priority date) will also be charged to applicant's deposit account 23-2825.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the present application, including according the present application a 35 USC 371 (c) date of 7 April 2003.

Boris Milef
PCT Legal Examiner
PCT Legal Office

Kenya A. McLaughlin
PCT Legal Office Detailee
PCT Legal Office

Telephone: (703) 305-0010
Facsimile: (703) 308-6459

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2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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NOV 16 2005

OFFICE OF PETITIONS

In re Application of :
Takiue :
Application No. 10/398,402 : DECISION GRANTING
Filed: April 7, 2003 : PETITION
Attorney Docket No. Q74673 :
FOR: REINFORCING COMPOSITE YARN AND PROCESS FOR PRODUCING SAME

This is a decision on the petition under 37 CFR 1.181, filed October 20, 2005, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The Office alleges that the above-identified application became abandoned for failure to timely reply to the October 4, 2004 Office action, which set an extendable three month period for reply. No extensions of time being obtained and no reply being received, the Office believed this application became abandoned on January 5, 2005. A Notice of Abandonment was mailed on April 20, 2005.

An allegation that an Office action was not received may be considered as a petition for the withdrawal of the holding of abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed. The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in

practitioner's statement.[1]

Practitioner has provided a statement that the October 4, 2004 was not received at the correspondence address of record and a search of the file jacket and the docket records of the Office indicates that the Office action was not received. Practitioner has not provided a copy of the docket record showing where the Office communication would have been entered, had it been received. Ordinarily, the docket record would be a necessary component in this type of petition.

However, a review of the official file indicates an ***irregularity*** in the mailing of the October 4, 2004 Office action because the October 4, 2004 Office action is ***not*** part of the official file, as shown in PAIR. Therefore, there is not a strong presumption that the communication was properly mailed to the applicants at the correspondence address of record.

The showing in the instant petition is sufficient to withdraw the holding of abandonment due to the irregularity in the mailing of the October 4, 2004 Office action.

The petition under 37 CFR 1.181 is granted. The holding of abandonment is withdrawn.

After the mailing of this decision, the application will be returned to Technology Center AU 3765 for the re-mailing of the October 4, 2004 Office action with a new period for response.

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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

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24 JUL 2003

Reza Green
Novo Nordisk Pharmaceuticals, Inc.
100 College Road West
Princeton, New Jersey 08540

In re Application of :
NICOLAISEN et al. :
Application No.: 10/398,422 :
PCT No.: PCT/DK01/00635 : DECISION ON PETITION
Int. Filing Date: 02 October 2001 : UNDER 37 CFR 1.137(b)
Priority Date: 02 October 2000 :
Attorney Docket No.: 6270.204-US :
For: METHOD FOR PROTECTION OF
VITAMIN K-DEPENDENT PROTEINS

The petition to revive under 37 CFR 1.137(b) filed 07 April 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 $1060 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
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (703) 308-6314
Facsimile: (703) 308-6459

20 OCT 2003

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
1300 I STREET, NW
WASHINGTON, DC 20005

In re Application of
MARIE-PASCALE AUDOUSSET
Serial No.: 10/398,423
PCT No.: PCT/FR01/00846
Int. Filing Date: 21 March 2001
Priority Date: 12 April 2000
Attorney's Docket No.: 05725.1112-00
For: OXIDATION DYEING COMPOSITION FOR KERATINOUS FIBRES COMPRISING A 3,5-DIAMINO-PYRIDINE DERIVATIVE AND A PARTICULAR THICKENING POLYMER

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's "Petition To Accord Application Number and Filing Date" filed 07 April 2003 in the United States Patent and Trademark Office (USPTO) in the above-captioned application and treated as a petition under 37 CFR 1.181. Applicant requests acceptance of a copy of the U.S. national stage application for international application PCT/FR01/00846 in lieu of the original application filed in the USPTO on 11 October 2002. No petition fee is required.

On 11 October 2002, applicant filed the U.S. national stage application for international application PCT/FR01/00846. These papers were not assigned a U.S. serial number. Upon inquiry to the USPTO regarding the status of the national application, counsel was advised that the application papers could not be located.

On 07 April 2003, applicant filed the instant petition, requesting acceptance of a copy of the national stage application as filed 11 October 2002, accompanied by a copy of the itemized postcard receipt with USPTO date-stamp 11 October 2002, indicating receipt of, *inter alia*, transmittal letter concerning a filing under 35 U.S.C. 371, English translation of the international application, declaration of the inventor. These papers were assigned U.S. serial number 10/398,423.

DISCUSSION

A review of the USPTO date-stamped, itemized postcard receipt indicates that the transmittal letter concerning a filing under 35 U.S.C. 371, English translation of international application PCT/FR01/00846 comprising 48 sheets, including 35 claims, declaration and power of attorney, among other documents, were deposited with the USPTO on 11 October 2002.

The evidence submitted is sufficient to establish that this application was received in the USPTO on 11 October 2002. Accordingly, it is appropriate to accept the copy of the application as a replacement for the missing original application with a deposit date of 11 October 2002.

A review of the declaration reveals that the declaration identifies each inventor, and states the residency, citizenship and mailing address of each inventor. Thus, the declaration is acceptable and the requirements of 37 CFR 1.497 are met.

CONCLUSION

The petition under 37 CFR 1.181 to reconstruct the file is **GRANTED**.

The copy of the declaration originally submitted on 11 October 2002 and resubmitted on 07 April 2003 is acceptable and meets the requirements of 37 CFR 1.497.

The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing. The 35 U.S.C. 371 date is **11 October 2002.**

/Cynthia M. Kratz/

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (703) 306-5467

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DURA AUTOMOTIVE SYSTEMS, INC.
2791 RESEARCH DRIVE
ROCHESTER HILLS, MI 48309

COPY MAILED

JUL 27 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of
Christopher Williams, et al.
Application No. 10/398,426
Filed: July 8, 2003
Attorney Docket No. 00310-A

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed April 10, 2007.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before February 21, 2007. A Notice of Abandonment was mailed on March 19, 2007. On April 10, 2007, the present petition was filed.

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

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

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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
10/398,426	07/08/2003	Christopher Williams	00310-A

CONFIRMATION NO. 4563

OC000000025023554

50716
DURA AUTOMOTIVE SYSTEMS, INC.
2791 RESEARCH DRIVE
ROCHESTER HILLS, MI 48309

Date Mailed: 07/26/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/10/2007.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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26 SEP 2003

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

In re Application of	:	
George Lopez	:	
Application Serial No.: 10/398,432	:	
PCT No.: PCT/US00/34124	:	DECISION ON PETITION UNDER
Intl. Filing Date: 14 December 2000	:	
Priority Date: 14 December 1999	:	37 CFR 1.137(b)
Attorney's Docket No.: ICUMM.125PC	:	
For: METHOD OF MANUFACTURING A MULTIPLE:		
COMPONENT DEVICE	:	

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED APPLICATION", filed 2 April 2003.

BACKGROUND

On 14 December 2000, applicant filed international Application PCT/US00/34124 which claimed priority to an earlier application filed on 14 December 1999. A demand for international preliminary examination, in which the United States was elected, was made within nineteen months of the international filing date . Accordingly, pursuant to 37 CFR 1.495, the thirty month period for paying the basic national fee expired at midnight 14 June 2003.

On 2 April 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), the petition fee , and a copy of the international application.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be filed promptly after applicant becomes aware of the abandonment and must be accompanied by: (1) the required reply, unless previously filed, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional and (4) a terminal disclaimer (for applications filed before 8 June 1995).

As to item (1), the petition is accompanied by the required reply in the form of a check for the basic national filing fee

As to item (2), the petition is accompanied by the required petition fee.

As to item (3), 37 CFR 1.137(b) requires applicant to make 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." Although the aforementioned statement was not made in the petition, the statement made by applicant as to the delay in filing the instant petition is being interpreted to have the same meaning as the statement required by 37 CFR 1.137(b). Applicant must contact the Office immediately if this interpretation is incorrect.

As to item (4), a terminal disclaimer is not required in the present case.

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the International Division to continue national stage processing of the present application, including preparation and mailing of the Notification of Missing Requirement Under 35 USC 371 requiring an oath or declaration as required by 35 USC 371(c)(4) and the surcharge for filing the oath or declaration later than thirty months from the priority date as required by 37 CFR 1.492(e).

Richard Cole
PCT Legal Examiner
PCT Legal Office

Telephone: (703) 305-0010
Facsimile: (703) 308-6459

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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FEB 14 2005

OFFICE OF PETITIONS

In re Application of :
Lopez et al. :
Application No. 10/398,432 : ON PETITION
Filed: April 26, 2004 :
Attorney Docket No. ICUMM.125A :

This is a decision on the petition under 37 CFR §§ 1.78(a)(6), filed December 23, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §§ 119(e) for the benefit of prior-filed provisional Application No. 60/170,659, filed December 14, 1999.

The petition is **DISMISSED AS MOOT**.

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

Along with the instant petition under 37 CFR §§ 1.78(a)(6), petitioner has submitted an amendment to the first sentence of the specification following the title to include a reference to the prior-filed application.

The instant pending nonprovisional application was filed on April 26, 2004, and was pending at the time of filing of the instant petition. While a reference to the prior-filed application was not included in an ADS or in the first sentence of the specification following the title, reference nevertheless was made in the oath or declaration filed with the above-identified application.

The current procedure where a claim for priority under 37 CFR §§ 1.78(a)(6) 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)(5)(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)(6).[1] In the instant case, the Office noted the claim for priority of the prior-

[1] *Note* MPEP 201.11 (V), page 200-75 (Rev. 1. Feb. 2004 and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

filed application in the oath or declaration filed with the application, as shown by its inclusion on the filing receipt.

In view of the above, the $1370.00 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 Paralegal Liana Chase at (571) 272-3206. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to the Examiner of Technology Center AU 2125 for appropriate action on the amendment filed December 23, 2004, including consideration of the claim under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5) for benefit of the prior-filed provisional application.

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

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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OFFICE OF PETITIONS

In re Application of :
George A. Lopez :
Application No. 10/398,432 : DECISION GRANTING PETITION
Filed: April 26, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. ICUMM.125VPC :

This is a decision on the petition, filed March 7, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 28, 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 2125 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new 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).*

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JAN 16 2004

Allan Jacobson
Attorney at Law
13 310 Summit Square Center
Route 413 & Doublewoods Road
Langhorne PA 19047

In re Application of	:	
Line Rothman	:	
Serial No.: 10/398,433	:	DECISION ON PETITION
Filed: April 2, 2003	:	
For: Stretchable Nursing Tank Top With Invisible Breast	:	

This is in response to applicants' petition filed December 18, 2003, 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. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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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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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

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MAR 12 2008

OFFICE OF PETITIONS

In re Application of :
Szentesi et al. :
Application No. 10/398,437 : DECISION ON PETITION
Filed: April 2, 2003 :
Attorney Docket No. P13541-US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 7, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Corrected Drawings, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

#5

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25 AUG 2003

Alan J. Kasper
Sughrue Mion, PLLC.
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037

In re Application of :
SIRRINGHAUS et al. :
Application No.: 10/398,442 :
PCT No.: PCT/GB01/04421 : DECISION ON PETITION
Int. Filing Date: 04 October 2001 : UNDER 37 CFR 1.137(b)
Priority Date: 04 October 2000 :
Attorney Docket No.: Q74997 :
For: SOLID STATE EMBOSSING OF POLYMERS DEVICES

The petition to revive under 37 CFR 1.137(b) filed 13 August 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 $900 and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration along with the $130 surcharge for filing the oath or declaration after the thirty-month period is required.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (703) 308-6314
Facsimile: (703) 308-6459

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2033 K STREET N.W.
SUITE 800
WASHINGTON, D.C. 20006-1021

MAIL

MAR 15 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :

Hirotsugu Kawada, et al. :
Application No. 10/398,447 : DECISION ON PETITION TO
Filed: April 4, 2002 : MAKE SPECIAL
For: DIGITAL DATA TRANSMISSION :
APPARATUS, AND TRANSMISSION CHANNEL :
CODING METHOD AND DECODING METHOD

This is a decision on the petition filed December 5, 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 fails to comply with requirement (5) above. The petition provides a detailed discussion of how the claimed subject matter is patentable over references JP 2-19049, jp 11-341083, AND jp 9-148936 but fails to provide any copies of these references. Applicant filed an Information Disclosure Statement (IDS) on June 6, 2003 including a PTO-1449 that lists the above references thereon; wherein applicant states "A legible copy of each reference listed on the form PTO-1449 and each U.S. patent application listed below is enclosed, except a copy is not provided for each reference previously cited or submitted to the Patent Office in prior parent application Serial No.". No parent Serial Number is provided in this IDS. A similar statement is made in the IDS filed February 26, 2004, wherein no parent Serial Number is provided.

Nonetheless, in accordance with MPEP 708.02, each application must meet its own requirements for special status. Therefore, copies of relevant references having been provided in related cases is not sufficient. Applicant must provide copies of each reference in the instant application if they are not already of record. A review of the file record finds that copies of the relevant references have not been provided in the instant application.

For the above stated reasons, the petition is **DENIED**.

Should applicant desire reconsideration of this decision, he/she should supplement this petition with copies of all the prior art referenced in the petition. No further petition fee is required.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision.

The application is being forwarded to the group Central File and will await action in its regular turn.

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

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2033 K STREET N. W.
SUITE 800
WASHINGTON DC 20006-1021

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MAY 0 3 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Hirotsugu KAWADA, et al. :
Application No. 10/398,447 : DECISION ON PETITION TO
Filed: April 4, 2003 : MAKE SPECIAL
For: DIGITAL DATA TRANSMITTER, :
TRANSMISSION LINE ENCODING METHOD, AND :
DECODING METHOD

This is a decision on the Request for Reconsideration of Petition to Make Special filed March 19, 2004 which is also treated as a request for reconsideration of the petition decision mailed on March 15, 2004. No fee is required.

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 response submitted March 19, 2004 provided copies of each of the references that the petitioner alleges were submitted with the originally filed Information Disclosure Statement (IDS) filed on June 26, 2003. A review of the electronic images for the file finds that the images of all of the cited references are now of record. Therefore, the petition is now deemed to meet the requirements set forth above.

Accordingly, the petition is **GRANTED**.

BEST AVAILABLE COPY

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application is being forwarded to the examiner for expedited action in its turn.

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

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24 MAR 2004

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Ronald E. Greigg
Greigg & Greigg PLLC
1423 Powhatan Street, Unit One
Alexandria, VA 22314

In re Application of :
HAGER, Bernhard, et al. :
Application No.: 10/296,580 :
PCT No.: PCT/DE02/01112 :
Int. Filing Date: 27 March 2002 : DECISION
Priority Date: 30 March 2001 :
Attorney's Docket No.: R.40785 :
For: APPARATUS FOR POSTTREATMENT :
OF EXHAUST GASES FROM AN :
INTERNAL COMBUSTION ENGINE :

This decision is in response to applicants' "Response to Decision on Petition Under 37 CFR 1.182," filed with the United States Patent and Trademark Office on 23 February 2004.

BACKGROUND

On 27 March 2002, applicants filed international application PCT/DE02/01112, which claimed a priority date of 30 March 2001. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 October 2002. The deadline for entry into the national stage in the United States was midnight 02 December 2002 (30 November 2002 was a Saturday).

On 26 November 2002, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 14 April 2003, applicants filed a declaration executed by Bernhard Hager, Sven Huber, Gerhard Mueller and Michael Offenhuber.

On 28 May 2003, the Office mailed Notification.

On 18 August 2003, applicants submitted a petition and the fee for a one month extension of time.

On 26 September 2003, the Office mailed Decision On Petition Under 37 CFR 1.182, granting applicants' petition, but requiring a declaration in compliance with 37 CFR 1.497(a)-(b).

On 16 January 2004, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating that the 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) requirements were satisfied on 14 April 2003.

On 23 February 2004, applicants submitted a declaration executed by the inventors.

DISCUSSION

The declaration of Gerhard Mueller contains non-initialed, non-dated alterations on page four. A new oath or declaration executed by the inventor Mueller is required. 37 CFR 1.52(c)(1).

The Notification of Acceptance mailed 16 January 2004 issued in error.

CONCLUSION

The Notification of Acceptance mailed 16 January 2004 is **VACATED**.

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available 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.

Leonard E. Smith
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
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26 SEP 200

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SEP 29 2003

Ronald E. Greigg
Greigg & Greigg PLLC
1423 Powhatan Street, Unit One
Alexandria, VA 22314

In re Application of :
HAGER, Bernhard, et al. :
Application No.: 10/296,580 : DECISION ON
PCT No.: PCT/DE02/01112 :
Int. Filing Date: 27 March 2002 : PETITION
Priority Date: 30 March 2001 :
Attorney's Docket No.: R.40785 : UNDER 37 CFR 1.182
For: APPARATUS FOR POSTTREATMENT :
OF EXHAUST GASES FROM AN :
INTERNAL COMBUSTION ENGINE :

This decision is in response to applicants' "Explanation of Signature Used On the Declaration," filed with the United States Patent and Trademark Office on 18 August 2003.

BACKGROUND

On 27 March 2002, applicants filed international application PCT/DE02/01112, which claimed a priority date of 30 March 2001. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 October 2002. The deadline for entry into the national stage in the United States was midnight 02 December 2002 (30 November 2002 was a Saturday).

On 26 November 2002, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 14 April 2003, applicants filed a declaration executed by Bernhard Hager, Sven Huber, Gerhard Mueller and Michael Offenhuber.

On 28 May 2003, the Office mailed Notification.

On 18 August 2003, applicants submitted the instant petition and the fee for a one month extension of time.

DISCUSSION

Applicants indicate that the inventors listed on the international application included a typographical error. Specifically, the inventor listed as "Sven Offenhuber" is named "Michael

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BY _____ ON _____
BY JNC ON 9/29/03
DUE DATE November 26, 2003
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Offenhuber." Applicants have provided a statement from Mr. Offenhuber indicating that the error occurred without deceptive intent on his part. The petition fee has been paid.

The declarations accompanying the petition do not with 37 CFR 1.497(a)-(b), as they list Sven Offenhuber as an inventor, rather than Michael Offenhuber.

CONCLUSION

For the above reasons, the Petition Under 37 CFR 1.182 is **GRANTED**.

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available 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.

Boris Milef
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

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Facsimile: (703) 308-6459

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PATENT & TRADEMARK OFFICE

10/398450

C of C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of	:	**Attn: Certificate of Correction Branch**
Noboru KATTA et al.	:	
Patent No. 7,218,678	:	Atty Docket No. 2003_0465A
Issued May 15, 2007	:	
		Confirmation No. 2648
DIGITAL DATA TRANSMITTER		

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR 1.322

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

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEES FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975

Sir:

In accordance with the provisions of 37 CFR 1.322, it is respectfully requested that a Certificate of Correction issue to correct the following:

ON THE TITLE PAGE

On the front page, right column, Section (56) References Cited, under U.S. PATENT DOCUMENTS, please insert the following reference:

--5,206,857 4/1993 Farleigh--

Certificate
MAR 19 2008
of Correction

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Patent Publication
MAR 19 2008

REMARKS

The error listed above apparently arose due to a PTO mistake. Accordingly, a Certificate of Correction should issue at no expense to patentees. Form PTO-1050 accompanies this request.

Respectfully submitted,

Noboru KATTA et al.

By _____
David M. Oviedovitz
Registration No. 45,336
Attorney for Patentees

DMO/eo
Washington, D.C.
Telephone (202) 721-8200
Facsimile (202) 721-8250
March 17, 2008

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Patent Publication
MAR 19 2008

PTO/SB/44 (02-01)
(Also form PTO-1050)

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

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO	:	7,218,678
DATED	:	May 15, 2007
INVENTOR(S)	:	Noboru KATTA et al.

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

ON THE TITLE PAGE

On the front page, right column, Section (56) References Cited, under U.S. PATENT DOCUMENTS, please insert the following reference:

--5,206,857 4/1993 Farleigh--

Wenderoth, Lind & Ponack, L.L.P.
2033 K Street, N. W., Suite 800
Washington, D.C. 20006-1021

PATENT NO. 7,218,678

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SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080516

DATE : May 16, 2008

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction on Patent No.: 10/398,450

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

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

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

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

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

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

Comments:

/Chieh M Fan/
Supervisory Patent Examiner.Art Unit 2611

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TECHNOLOGY CENTER 2600

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20006-1021

In re Application of:
Katta, et al.
Application No. 10/398,451
Filed: April 4, 2003
For: EVALUATION LEVEL SETTING METHOD, AND DATA RECEPTION APPARATUS

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed November 24, 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 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 will be forwarded to the examiner for expedited action in its turn.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

WENDEROTH, LIND & PONACK, LLP
2033 K STREET N.W.
SUITE 800
WASHINGTON, D.C. 20006-1021

In re Application of :
Hirotsugu Kawada, et al. :
Application No. 10/398,452 : DECISION ON PETITION TO
Filed: April 4, 2002 : MAKE SPECIAL
For: INITIALIZATION METHOD, AND DATA TRANSMISSION APPARATUS :

This is a decision on the petition filed December 5, 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 fails to comply with requirement (5) above. The petition provides a detailed discussion of how the claimed subject matter is patentable over references JP 09-205466, JP 11-509376, JP 03-195144, JP 07-050683, JP 04-352535 and JP 08-163162 but fails to provide any copies of these references. Applicant filed an Information Disclosure Statement (IDS) on April 4, 2003 including a PTO-1449 that lists the above references thereon; wherein applicant states "A legible copy of each reference listed on the form PTO-1449 and each U.S. patent application listed below is enclosed, except a copy is not provided for each reference previously cited or submitted to the Patent Office in connection with PCT/JP01/08789. In accordance with MPEP 708.02, each application must meet its own requirements for special status. Therefore, copies of relevant references having been provided in related cases is not sufficient. Applicant must provide copies of each reference in the instant application if they are not already of record. A review of the file record finds that copies of the relevant references have not been provided in the instant application.

For the above stated reasons, the petition is **DENIED**.

Should applicant desire reconsideration of this decision, he/she should supplement this petition with copies of all the prior art referenced in the petition. No further petition fee is required.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision.

The application is being forwarded to the group Central File and will await action in its regular turn.

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

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

WENDEROTH, LIND & PONACK, LLP
2033 K STREET N.W.
SUITE 800
WASHINGTON, D.C. 20006-1021

In re Application of :
Hirotsugu Kawada, et al. :
Application No. 10/398,452 : DECISION ON PETITION TO
Filed: April 4, 2002 : MAKE SPECIAL
For: INITIALIZATION METHOD, AND DATA TRANSMISSION APPARATUS :

This is a decision on the Request for Reconsideration on petition decision filed March 19, 2004 and supplemented August 8, 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 petition with Request for Reconsideration and supplement now complies with the requirements set forth above. Accordingly, the petition is **GRANTED**.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

10 OCT 03

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Marguerite Del Valle
Trademark & Patent Counselors of America, P.C.
915 Broadway, 19th Floor
New York, NY 10023

In re Application of CARRASCO VERGARA	:	
U.S. Application No.: 10/398,468	:	
PCT Application No.: PCT/ES01/00001	:	
Int. Filing Date: 02 January 2001	:	DECISION
Priority Date Claimed: 03 October 2000	:	
Attorney Docket No.: 885.0003	:	
For: PEDAL TRACTION SYSTEM USING INDEPENDENT CRANK ARMS WITH NO DEAD POINT	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 11 August 2003.

BACKGROUND

On 02 January 2001, applicant filed international application PCT/ES01/00001, which claimed priority of an earlier Spain application filed 03 October 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 11 April 2002. A Demand for international preliminary examination, in which the United States was elected, was filed on 02 May 2002, prior to the expiration of nineteen months from the priority date. The thirty-month period for paying the basic national fee in the United States expired on 03 April 2003.

On 01 April 2003, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

On 24 July 2003, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned as to the United States for failure to timely pay the full basic national fee.

On 11 August 2003, applicant filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that abandonment of the application was unintentional.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 02 January 2001, and a date under 35 U.S.C. 371(c) of 11 August 2003.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

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Facsimile: 703-308-6459

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SEP 0 8 2008

OFFICE OF PETITIONS

In re Application of :
Kevin D. O'Brien, et al. :
Application No. 10/398,492 : ON PETITION
Filed: November 24, 2003 :
Attorney Docket No. UWOTL120767 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 4, 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). A two (2) month extension of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is November 5, 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, and the submission required by 37 CFR 1.114; (2) the petition fee of $770; 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 Technology Center AU 1636 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.

Chris Bottorff
Petitions Examiner
Office of Petitions

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P O Box 10107
Greenville, SC 29603

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FROM DIRECTORS OFFICE

DEC 0 7 2004

TECHNOLOGY CENTER 3600

In re application of:
Ian D MacDonald
Application No. 10/398,504 : **DECISION ON REQUEST**
Filed: April 2, 2003 : **FOR WITHDRAWAL OF**
For: STRATEGIC ORGANIZATION PLAN DEVELOPMENT AND INFORMATION PRESENT SYSTEM AND METHOD : **ATTORNEY**

This is a decision on the request filed on June 8, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;

B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and

C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

As to condition A), the attorney signing the request does not have power of attorney in this application. There is no record of power of attorney ever being given to the attorney making the request.

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

KJD/vdb: 10/27/04

16 AUG 2004

#7

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Michael J. Bell
Howrey Simon Arnold & White
Box No. 34
1299 Pennsylvania Avenue N.W.
Washington DC 20004-2402

In re Application of	:	DECISION ON
TURNER et al	:	
Application No.: 10/398,521	:	
PCT No.: PCT/US01/31602	:	
Int. Filing Date: 9 October 2001	:	PETITION UNDER
Priority Date: 6 October 2000	:	
Attorney Docket No.: 02719.0016.PCUS00	:	
For: Ski and Method of Manufacturing	:	
the Ski	:	37 CFR 1.182

This decision is in response to applicants' "Request for Corrected Inventor's Name and Applicant's or Agent's File Reference" filed on 17 November 2003 indicating that the executed declaration filed on 17 November 2003 contains the corrected Inventor's name which is BURNS, Robert and not BURN, Robert. This is being treated as a petition under 37 CFR 1.182 and $130.00 petition fee has been charged to applicants' Deposit Account No.: 08-3038. In addition, the reply of the Notification mailed on 08 July 2003 was due on or before 08 September 2003, a three (3) month extension of time of $950.00 will be charge to applicants' Deposit Account No.: 08-3038 because the reply was filed on 17 November 2003.

DISCUSSION

On 07 April 2003, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because no executed oath or declaration was filed at that time.

On 08 July 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" must be submitted within two months from its 08 July 2003 date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 14 August 2003, applicants submitted, *inter alia*, an executed declaration of the inventors.

In 06 October 2003, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF A DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) because the declaration did not identify the citizenship of each inventor and that the third inventor's name is different compared to the published International Application.

On 17 November 2003, applicants filed the instant communication and an executed declaration. The communication indicates that the correct name of the third inventor is "BURNS, Robert" and not 'BURN, Robert."

DISCUSSION

It is unclear from the submission whether the corrected name is due to a name change or a typographical error. Accordingly, MPEP § 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.

With respect to item (1), the petition fee has been charged to petitioner's deposit account.

With respect to item (2), applicants have not provided with the petition the signature signed under both names- BURNS Robert, and BURN Robert, and setting forth the procedure whereby the change of name was effected. Therefore, item (2) has not been satisfied.

If, however, the name change is due to a typographical error then applicants need to state and explain it.

CONCLUSION

For the reasons above the petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". Failure to respond will result in the ABANDONMENT of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the 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

Boris Milef
PCT Legal Examiner
PCT Legal Office

22 JUN 2005

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Washington DC 20004-2402

In re Application of	:	DECISION ON
TURNER et al	:	
Application No.: 10/398,521	:	
PCT No.: PCT/US01/31602	:	
Int. Filing Date: 9 October 2001	:	PETITION UNDER
Priority Date: 6 October 2000	:	
Attorney Docket No.: 02719.0016.PCUS00	:	
For: Ski and Method of Manufacturing	:	
the Ski	:	37 CFR 1.182

This decision is in response to the "LETTER REGARDING POWER OF ATTORNEY AND CHANGE OF ADDRESS" file on 01 December 2004 requesting that the current attorneys of record be revoked and the appointment under a Power of Attorney for Collard & Roe, P.C.

On 16 August 2004, the Office mailed a decision that dismissed the petition under 37 CFR 1.182.

On 01 December 2004, applicants filed a Revocation and Power of Attorney, indicating to send all correspondence to Collard & Roe, P.C.

A review of request does not show the persons signing had the proper authority for the revocation and new Power of Attorney to be effective under 37 CFR § 3.73(b)(2). Therefore at the present time the revocation of Power of Attorney is ineffective and correspondence from the Office will continue to be mailed to the current address of record. A courtesy copy will be mailed to Collard & Roe, P.C. this time.

However, applicants will have to submit documentary evidence under 37 CFR § 3.73(b)(2) to appoint Collard & Roe, P.C as the new attorneys for them to receive future correspondence from the Office. Note MPEP 402.05.

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

CC: COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576

10 AUG 2005

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COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576

In re Application of	:	DECISION ON
TURNER et al	:	
Application No.: 10/398,521	:	
PCT No.: PCT/US01/31602	:	
Int. Filing Date: 9 October 2001	:	PETITION UNDER
Priority Date: 6 October 2000	:	
Attorney Docket No.: 02719.0016.PCUS00	:	
For: Ski and Method of Manufacturing	:	
the Ski	:	37 CFR 1.182 AND 1.137(b)

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.182" filed on 22 July 2005 indicating that the executed declaration filed on 17 November 2003 contains the corrected Inventor's name which is BURNS, Robert and not BURN, Robert. And a "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)."

BACKGROUND

In a decision from this Office on 16 August 2004, the decision indicated that the application could not enter into national stage at that time since it was unclear if the current name of Burns, Robert was a result of a typographical error. The decision indicated that a proper response must be filed within two (2) months from the mailing of this decision and that extensions of time may be obtained under 37 CFR 1.136(a).

On 22 July 2005, this renewed petition was filed and states that the change in name was due to a typographical error in the transmittal letter to the DO/EO/US. Applicants also filed a petition to the revive the present application under 37 CFR 1.137(b).

The deadline for a timely proper response was 16 October 2004 without any extensions of time. This application became abandoned with respect to the United States at midnight on 16 October 2004 for failure to response.

DISCUSSION

37 CFR 1.182

The correct spelling of name of the applicant "BURNS, Robert" will be reflected in the US national stage processing. This is the name that has been used in the Declaration.

CONCLUSION

The petition under 37 CFR 1.182 is **GRANTED.**

37 CFR 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: (1) the proper reply by submitting the proper response, (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.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

CONCLUSION

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

For the reasons above, the application may enter into national stage processing at this time.

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 **17 NOVEMBER 2003.**

Rafael Bacares
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FOLEY AND LARDNER
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3000 K STREET, NW
WASHINGTON, DC 20007

In re Application of Makoto TAKEUCHI (deceased) Application No.: 10/398,523 PCT No.: PCT/JP01/08833 Int. Filing Date: 05 October 2001 Priority Date: 06 October 2000 Attorney's Docket No.: 081356-0187 For: NOVEL N-ACETYLGLUCOS-AMINYLTRANSFERASE AND POLY-NUCLEOTIDE ENCODING THE SAME	DECISION ON REQUEST FOR STATUS UNDER 37 CFR 1.42

This is a decision on applicant's submission filed on 15 September 2003, and treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 05 October 2001, applicant filed international application PCT/JP01/08833, which claimed priority of an Japanese application filed 06 October 2000. On 06 March 2002, a Demand for international preliminary examination was filed and accordingly, the thirty month period for paying the basic national fee for processing in the United States expired at midnight on 07 April 2003 (06 April 2003 was a Sunday.)

On 07 April 2003, applicant filed a Transmittal Letter for entry into the national stage in the United States of America along with a basic national fee and English translation of the international application. On 22 July 2003, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 15 September 2003, applicant filed a response to the Notification of Missing Requirements including an executed declaration. The declaration indicates that inventor Makoto Takeuchi is deceased. The declaration is signed by Yoriko Takeuchi as legal representative of deceased joint inventor Makoto Takeuchi.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

> "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 a patent."

The legal representative of a deceased inventor must make the application for patent "on the same terms and conditions applicable to the inventor." 35 U.S.C. 117. To this end, 37 CFR

1.497(b)(2) states, in pertinent part,:

"If the person making the oath or declaration... is not the inventor, the oath or declaration shall state the relationship of the person to the inventor.... [and] shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative".

The declaration submitted on 15 September 2003 identifies the signatory and states the relationship of the person to the inventor as the legal representative for deceased inventor Makoto Takeuchi as well as the citizenship, residence and mailing address of the deceased inventor and the legal representative. (See MPEP §409.01(a)). The declaration satisfies 37 CFR 1.497(b)(2) and is acceptable. Thus, the declaration is acceptable under 37 CFR 1.42. Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing. The 35 U.S.C. 371(c) date is **15 September 2003.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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11 AUG 2003

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Webb Ziesenheim Logsdon & Hanson, P.C.
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436 Seventh Avenue
Pittsburgh, PA 15219-1818

In re Application of	:	
Pocrass	:	
Application No. 10/398,526	:	DECISION ON
PCT No.: PCT/US01/07791	:	
Int. Filing Date: 12 March 2001	:	PETITION UNDER
Priority Date: 14 March 2000	:	
Atty. Docket No.: 1098-021970	:	37 CFR 1.137(b)
For: RJ Type Coaxial Cable Connector	:	

This is in response to the petition under 37 CFR 1.137(b) filed on 08 April 2003.

BACKGROUND

This international application was filed on 12 March 2001, claimed an earlier priority date of 14 March 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. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 14 September 2002. 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 petition was accompanied by the basic national fee.

Regarding requirement (2), the petition was accompanied by the petition fee.

Regarding requirement (3), the petition includes a statement that the "delay in entering the national phase of this application was unintentional." This statement is being construed as a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the

statement in the petition is not correct. Thus, the statement in the petition is being accepted in satisfaction of 37 CFR 1.137(b)(3).

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

DECISION

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

This application is being forwarded to the National Stage Processing Branch for further processing. The date of this application under 35 U.S.C. 371 (c)(1), (2) and (4) is **08 April 2003**.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

George M. Dombroske
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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/398,535	10/24/2003	Judith L. Klavans	A34679-PCT-USA	5572

21003 7590 04/23/2010

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NEW YORK, NY 10112-4498

EXAMINER	
SIEDLER, DOROTHY S	

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
04/23/2010	ELECTRONIC

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

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

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

DLNYDOCKET@BAKERBOTTS.COM

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100412

DATE : April 21, 2010

TO SPE OF : ART UNIT 2626

SUBJECT : Request for Certificate of Correction on Patent No.: 7,254,530

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

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

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

☒ **Approved** **All** changes apply.

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

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

Comments:

SPE: /Richemond Dorvil/ **Art Unit** 2626

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

Mail Date: 04/21/2010

Applicant	: Yoshinobu Abe	: DECISION ON REQUEST FOR
Patent Number	: 7604853	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/398,539	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/08/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **690** 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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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

Mail Date: 05/18/2010

Applicant : Yoshinobu Abe
Patent Number : 7604853
Issue Date : 10/20/2009
Application No: 10/398,539
Filed : 04/08/2003

: 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 **719** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

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

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

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

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MICHELLE M. CARNIAUX
KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

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DEC 19 2008

OFFICE OF PETITIONS

In re Application of :
Martin **VORBACH, et al.** :
Application No. 10/398,546 : DECISION GRANTING PETITION
Filed: January 20, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **02885/70** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 18, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 10, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, the signature of Mr. Aaron Grunberger appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts in accordance with 37 CFR 1.34(a).

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2819 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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Michelle M Carniaux
Kenyon & Kenyon
One Broadway
New York, NY 10004

Mail Date: 04/21/2010

Applicant	: Martin Vorbach	: DECISION ON REQUEST FOR
Patent Number	: 7595659	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/398,546	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **923** 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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Michelle M Carniaux
Kenyon & Kenyon
One Broadway
New York, NY 10004

Mail Date: 05/18/2010

Applicant : Martin Vorbach
Patent Number : 7595659
Issue Date : 09/29/2009
Application No: 10/398,546
Filed : 01/20/2004

: 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 **1012** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

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

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

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

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BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

MAILED

NOV 0 9 2009

OFFICE OF PETITIONS

In re Application of	:	
Martin John Brennan	:	
Application No. 10/398550	:	ON REQUEST FOR RECONSIDERATION
Filing or 371(c) Date: 09/02/2003	:	OF THE PATENT TERM ADJUSTMENT
Atty Docket No.:	:	
08-1003-WO-US	:	

This is in response to the REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT, filed August 10, 2009. Applicant submits that the correct patent term adjustment to be indicated on the patent is 1,234 days, not 408 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 can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

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 Attorney Derek Woods at (571) 272-3232.

/ALESIA M. BROWN/

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

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[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.

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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Martin John Brennan	: DECISION ON REQUEST FOR
Patent Number	: 7636281	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/398,550	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/02/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1125** 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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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
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32ND FLOOR
CHICAGO, IL 60606

Mail Date: 05/18/2010

Applicant : Martin John Brennan
Patent Number : 7636281
Issue Date : 12/22/2009
Application No: 10/398,550
Filed : 09/02/2003

: 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 **1232** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

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

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

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

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TOWNSEND AND TOWNSEND AND CREW LLP/ORACLE
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Martin Richard Lambert	: DECISION ON REQUEST FOR
Patent Number	: 7590863	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/398,567	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/08/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1315** 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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30 SEP 2003

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 North Seventeenth Street, Suite 1800
Arlington, VA 22209

In re Application of :
HURTTA, Tuija *et al* :
Application No.: 10/398,575 :
PCT No.: PCT/EP01/11656 :
Int. Filing Date: 09 October 2001 : **COMMUNICATION**
Priority Date: 09 October 2000 :
Attorney Docket No.: 1135.42630X00 :
For: ADDRESS DE-REGISTRATION FROM :
IP MULTIMEDIA NETWORKS :

This communication is in response to the declaration submitted on 26 August 2003.

The declaration was signed by all five inventors listed on the international publication. However, the fifth named inventor listed his name as Markku TUOHINO on the declaration, rather than the way it appears on the international publication, *i.e.*, Markku THUOHINO. Counsel has not provided an explanation regarding the name change and there is no record of a name change pursuant to PCT Rule 92*bis* in the record.

If the fifth named inventor changed his name legally, a petition under 37 CFR 1.182 is required. *See* § 605.04(c), MPEP. If, on the other hand, the fifth named inventor has not legally changed his name, a new declaration signed using the name listed on the international publication for each inventor is needed, or counsel must provide an adequate explanation regarding the change such as a transliteration error. *See* § 201.03 MPEP.

Applicants must respond within **TWO (2) MONTHS** from the mail date of this communication. Extensions of time under 37 CFR 1.136(a) are available. Failure to submit the required reply will result in the abandonment of this application.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 North Seventeenth Street, Suite 1800
Arlington, VA 22209

In re Application of :
HURTTA, Tuija *et al* :
Application No.: 10/398,575 :
PCT No.: PCT/EP01/11656 :
Int. Filing Date: 09 October 2001 : **DECISION**
Priority Date: 09 October 2000 :
Attorney Docket No.: 1135.42630X00 :
For: ADDRESS DE-REGISTRATION FROM :
IP MULTIMEDIA NETWORKS :

This decision is in response to the papers filed via facsimile on 14 January 2005 which are treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 30 September 2003, a communication was mailed indicating that the declaration filed 26 August 2003 was not in compliance with 37 CFR 1.497 because the fifth named inventors' name was spelled differently than listed on the international publication. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 30 January 2004, applicants purportedly filed a response which included petition for a two-month extension of time, an executed declaration and an explanation of the discrepancy of the fifth named inventors' name.

On 14 January 2005, the instant petition was submitted via facsimile which was accompanied by, *inter alia*, a copy of the date-stamped postcard receipt for documents filed 30 January 2004 and a copy of said documents.

DISCUSSION

Documents Filed 30 January 2004

A review of the above-captioned application reveals that the papers purportedly filed 30 January 2004 were not located in the file. MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. 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 provided a copy of the date-stamped filing receipt for the documents submitted 30 January 2004. The postcard receipt records that a "Communication w/attached Sup. Declaration" was received in the USPTO. The filing receipt is stamped "OIPE JAN 30 2004"" across its face. The U.S. application number, and attorney docket number were listed on the postcard receipt. Moreover, USPTO financial records indicate that a two-month extension fee was received in the above-captioned application on 30 January 2004.

Accordingly, applicants have provided *prima facie* evidence that the aforementioned documents were originally received by the USPTO on 30 January 2004.

Response to Communication Mailed 30 September 2003

In the response originally filed 30 January 2004, applicants state "that the fifth named inventor's name as listed on the International application was incorrectly spelled as Markku TUOHINO. The true and correct spelling of the fifth inventor's name is Markku THUOHINO. Thus, the spelling of the fifth inventor's name as set forth in the International Publication and which was attempted to be corrected by the Declaration on August 26, 2003 contained a typographical and/or transliteration error."

Section 201.03 of the MPEP discusses these types of errors and states, in part:

> Where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. Reference to the notification will be made on the previously filed oath or declaration"

Applicants' explanation meets the requirements of the MPEP and is sufficient to explain the name difference between the declaration and the international publication.

Therefore, the declaration submitted 26 August 2003 is now in compliance with 37 CFR 1.497(a) and (b).

DECISION

For the reasons discussed above, applicants' petition under 37 CFR 1.181 is hereby **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 09 October 2001, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 26 August 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.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

26 SEP 2003

Cathryn Campbell
McDermott, Will & Emory
4370 La Jolla Village Drive
7th Floor
San Diego, CA 92122

In re Application of :
Kanda et al. :
US Application No.: 10/398,586 :
PCT Application No.: PCT/US01/28130 :
International Filing Date: 07 September 2001 : DECISION ON
Priority Date: 07 September 2000 : PETITION FOR REVIVAL
Attorney's Docket No.: 066671 (FP-SC 5735) : UNDER 37 CFR 1.137(b)
For: METHODS AND COMPOSITIONS FOR :
VISUALIZING AND INTERFERING :
WITH CHROMOSOMAL TETHERING :
OF EXTRACHROMOSOMAL :
MOLECULES :

The petition to revive under 37 CFR 1.137(b), filed on 02 April 2003 in the above-captioned application, is hereby **GRANTED** as follows.

On 07 September 2001, Applicants filed international application PCT/US01/28130, which claimed priority of an earlier U.S. provisional application filed on 07 September 2000. The period for paying the basic national fee is 30 months and ended at midnight on 07 March 2003.

The basic national fee was not submitted on or before 07 March 2003. The international application became abandoned as to the United States on 08 March 2003.

The instant petition is accompanied by, *inter alia*:

(1) A transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371, authorizing the USPTO to charge the $720 basic national fee required by 35 U.S.C. 371(c)(1) and 37 CFR 1.492(a)(1) to Deposit Account No. 50-2624;

(2) An authorization for the USPTO to charge the $1,300 petition fee to the same deposit account;

(3) A statement to the effect that the entire delay in filing the basic national fee from its due date until the filing of the instant petition under 37 CFR 1.137(b) was unintentional.

Moreover, a terminal disclaimer is not applicable in the instant case.

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 07 September 2001 under 35 U.S.C. 363.

The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing, including mailing of a Notification of Missing Requirements under 35 U.S.C. 371, requiring an oath or declaration in compliance with 37 CFR 1.497(a)-(b).

Richard Cole
PCT Legal Examiner
PCT Legal Office

RC Tang
Petitions Attorney
PCT Legal Office
Telephone: 703-308-1315
Facsimile: 703-308-6459

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STRAUB & POKOTYLO
620 TINTON AVENUE
BLDG. B, 2ND FLOOR
TINTON FALLS, NJ 07724

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SEP 26 2007

OFFICE OF PETITIONS

In re Patent No. 7,096,512
Issue Date: August 29, 2006
Application No. 10/398,590
Filed: April 3, 2003
Patentee(s): Mary Lynne Blair

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on August 28, 2006, to revive the above-identified application. The delay in responding is regretted.

The petition is **DISMISSED AS MOOT**.

A review of the record discloses, that a final Office action was issued on February 10, 2006. On April 25, 2006, which was within the three months statutory period from the final Office action of February 10, 2006, a Notice of Allowance and Interview Summary was mailed. The Interview Summary stated that if a reply to the last Office action has already been filed, applicant is given one month from the interview date, or the mailing of this interview summary form, whichever is later, to file a Statement of Substance of the Interview. However, since a reply to the last Office action, which would have been the final Office action of February 10, 2006, is not necessary because of the examiner's amendment and allowance of the application, the petition to revive is unnecessary.

In view of such, the $750 petition fee will be refunded to petitioner's deposit account.

This application is being referred to Files Repository.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DIW Sep-06

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

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SEP 11 2006

OFFICE OF PETITIONS

In re Application of	:	
Hecker et al.	:	DECISION ON PETITION
Application No. 10/398,592	:	TO WITHDRAW HOLDING OF
Filed: 2 October, 2003	:	ABANDONMENT
Atty. Docket No. DEBE.020US	:	

This is a decision on the petition, filed on 13 January, 2006, to withdraw the holding of abandonment in the above-identified application.

The application was held abandoned for failure to respond in a timely manner to the Office action requiring restriction and/or election mailed on 30 March, 2005. A Notice of Abandonment was mailed on 15 November, 2005.

Petitioners assert that a proper response was in fact timely filed in the form of an election without traverse and a two (2) month extension of time. In support of the petition, petitioners submitted a copy of a date-stamped post card receipt acknowledging receipt of the response to the Office action dated 30 March, 2005, a petition for extension of time under 37 CFR 1.136(a), and a check for $225.00 for the extension of time fee in the United States Patent and Trademark Office (Office) on 1 July, 2005. Additionally, petitioners have submitted a copy of the amendment and request for extension of time with the present petition.

A review of the papers filed with the petition reveals that the copy of the postcard, extension of time request, and response to the Office communication miscaption the application number as 10/3**89**,592.

The original copy of the reply filed on 1 July, 2005, has been located in the file of Application No. 10/389,592.

Under current Office procedure, a response that has an incorrect serial number is handled in accordance with M.P.E.P. § 508.03. If a paper having an incorrect serial number contains sufficient information to identify the correct application and was timely received at the Office, the holding of abandonment will be withdrawn. In reviewing the papers which were submitted, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

As petitioners have provided convincing evidence that a reply to the non-final Office action was filed on 1 July, 2005, with a certificate of mailing dated 28 June, 2005, the showing of record is that a response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The application file will be referred to the Technology Center's technical support staff for entry of the response. Thereafter, the application file will be referred to the examiner for action in due course.

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

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

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of	:	
Masayuki Fukumura et al	:	
Serial No.: 10/398,598	:	PETITION DECISION
Filed: September 12, 2003	:	
Attorney Docket No.: 50026/037001	:	

This is a response to the petitions under 37 CFR 1.59(b), filed July 16, 2004, to expunge information from the above identified application. This application has been assigned for examination, but no action has been taken as of the date of mailing of this decision.

Petitioner requests that a document submitted July 16, 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 unexamined application. As such the information provided has not been reviewed and the petition cannot be granted at this time. 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.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20071110

DATE : November 10, 2007

TO SPE OF : ART UNIT 2855

SUBJECT : Request for Certificate of Correction on Patent No.: 10/398,599

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

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

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

☒ **Approved** **All** changes apply.

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

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

Comments:

SPE: Edward Lefkowitz **Art Unit** 2855

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 7,024,943
DATED: November 10, 2007
INVENTOR(S): Roeck et al.

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

(see the attachment)

06 JAN 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Locke Liddell & Sapp LLP
2200 Ross Avenue
Suite 2200
Dallas, TX 75201-6776

In re Application of DATH et al. Serial No.: 10/398,603 PCT App. No.: PCT/EP01/11487 Int'l Filing Date: 03 October 2001 Priority Date: 05 October 2000 Attorney Docket No.: 31223/85004 For: A PROCESS FOR CRACKING AN OLEFIN-RICH HYDROCARBON FEEDSTOCK	DECISION ON PETITION UNDER 37 CFR 1.8(b)

This is a decision on applicant's "Petition Under 37 CFR 1.181 to Withdraw the Holding of Abandonment", filed in the US Patent and Trademark Office on 22 November 2004 and treated as a petition under 37 CFR 1.8(b). No petition fee is required.

BACKGROUND

On 04 April 2003, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 26 August 2003, the Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that oath or declaration, in compliance with 37 CFR 497(a) and (b) and executed by the inventor, was required The notification set a TWO (2) MONTH period for response.

On 18 October 2004, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating, that the application went abandoned for failure to respond to the Notification of Missing Requirements mailed 26 August 2003.

On 22 November 2004, applicant filed the present petition requesting that the Office withdraw the holding of abandonment as the applicant had timely replied to the Notification of Missing Requirements. The petition was accompanied by copies of the cover letter and of the declaration alleged to have been mailed 23 January 2004.

DISCUSSION

The 23 January 2004 submission is not located in the application file.

37 CFR 1.8(b) states, in part:

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 ortransmitted 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.

Items (1), (2), and (3) have been met. Applicant filed the petition within two months of the mailing of the Notification of Abandonment. Applicant supplied a copy of the declaration and the cover letter with the certificate of mailing. Attorney William Jackson signed the 22 November 2004 submission and the 23 January 2004 submission. Donna Dobson signed the the certificate of mailing found on the 23 January 2004 submission and states that she has first hand knowledge that the original submission was mailed.

The surcharge for late filing of the oath or declaration will be charged to deposit account, as authorized by the 23 January 2004 transmittal letter.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.8 to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment mailed on 18 October 2004 is hereby **VACATED**.

The application has an international filing date of 03 October 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **23 January 2004**. This application is being forwarded to the National Stage Processing Branch of the International Division for further processing.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286
Facsimile: 571-273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : **11/07/2005**

TO SPE OF : ART UNIT **1700(1713)**

SUBJECT : Request for Certificate of Correction on Patent No.: **6,939,910**

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-922
Palm location **7580** - Tel. No. 305-8309

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

Okay to enter changes to PCT filing date as req. in c of c?

Ernest C. White, LIE305-8339
Certificates of Correction Branch

Thank You For Your Assistance

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

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

Comments:

Change of date is approved. The date 12/28/2001 is consistent with existing records

RTP A-LEE

SPE

1713
Art Unit

OIPE IAP13 OCT 18 2005 PATENT & TRADEMARK OFFICE

60FC

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Docket No: Q74958
Ryuji NAKAGAWA	Group Art Unit: 1713
Appln. No.: 10/398,611	Examiner: Rip A. Lee
Confirmation No.: 7691	Patent No.: 6,939,910 B2
Filed: August 27, 2003	Issue Date: September 6, 2005

For: RUBBER COMPOSITION

REQUEST FOR CERTIFICATE OF CORRECTION

Certificate OCT 21 2005 of Correction

ATTN: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 C.F.R. § 1.322, please enter the attached Certificate of Correction.

Since the errors noted are believed to be the fault of the Patent and Trademark Office, we are not enclosing the $100.00 Certificate of Correction fee. If it is found to be to the contrary, please charge our Deposit Account No. 19-4880.

In view of the foregoing, issuance of the Certificate of Correction is respectfully requested.

Respectfully submitted,

John Callahan

John T. Callahan
Registration No. 32,607

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: October 18, 2005

10/19/2005 HLE333 00000049 194880 6939910
01 FC:1811 100.00 DA

OCT 24 2005

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

William S Frommer
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

Mail Date: 04/21/2010

Applicant	: Mitsuhiro Hirabayashi	: DECISION ON REQUEST FOR
Patent Number	: 7609296	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/398,618	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/08/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1258** 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.

06 AUG 2003

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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Richard M. Goldberg
25 East Salem Street
Suite 419
Hackensack, NJ 07601

In re Application of :
IKEDA et al. :
Application No.: 10/398,621 : DECISION ON PETITION
PCT No.: PCT/JP01/07696 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 05 September 2001 :
Priority Date: 05 September 2000 :
Attorney Docket No.: 441/1/013 :
For: :
T-BUTOXYCARBONYLAMINOETHYLMINE
FOR THE SYNTHESIS OF PNA MONMER . . .

The petition to revive under 37 CFR 1.137(b) filed 07 April 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 $450 and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Deposit Account No. 07-1524 has been charged the following fees: a $650.00 petition fee under 37 CFR 1.17(m); a $65.00 surcharge fee under 37 CFR 1.492(e) for supplying an oath or declaration later than 30 months from the earliest claimed priority date; and a $130 processing fee under 37 CFR 1.492(f) for supplying an English Translation later than 30 months from the earliest claimed priority date.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (703) 308-6314
Facsimile: (703) 308-6459

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OBER / KALER
C/O ROYAL W. CRAIG
120 EAST BALTIMORE STREET
BALTIMORE, MD 21202

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MAR 25 2008

OFFICE OF PETITIONS

In re Application of :
James E. Bruno, et al. :
Application No. 10/398,625 : ON PETITION
Filed: September 23, 2003 :
Attorney Docket No. NFORMA-PCT-US-2 :
:

This is a decision on the petition under 37 CFR 1.137(b), filed December 7, 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 final Office action mailed January 10, 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).

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.

This application is being referred to Technology Center AU 3714 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

01 APR 2004

#4

UNITED STATES PATENT and TRADEMARK OFFICE

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P.O BOX 1450
ALEXANDRIA, VA 22313-1450
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Conard, Richard
BARNES & THORNBURG
11 South Meridian Street
Indianapolis, IN 46204

In re Application of	:	
NASTKE et al	:	
Application No.: 10/398,631	:	
PCT No.: PCT/EP01/11376	:	
Int. Filing Date: 02 October 2001	:	
Priority Date: 09 October 2000	:	COMMUNICATION
Attorney Docket No.: 127-72620	:	
For: SOLID MATTER MICRO-ENCAPSULATED BY AN AMINOPLAST AND METHOD FOR METHOD FOR PRODUCING THE SAME	:	

This decision is in response to the "fax" received 20 November 2003. Applicants have submitted, inter alia, a copy of the 30 April 2003 PTO stamped itemized postcard receipt. The itemized postcard lists, *inter alia*, the following item: Original Declaration and Power of Attorney.

BACKGROUND

On 07 April 2003, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and a copy of the international application. An unexecuted declaration was submitted at such time.

On 03 July 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 1.47(a) and (b), identifying the application by International application number and international filing date." The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: is not executed in accordance with either 37 1.66 or 37 1.68. It also indicated that all the items set forth above must be submitted within two months from its 03 July 2003 date of mailing, in order to avoid abandonment of the national stage application.

On 20 November 2003, USPTO received the present submission.

DISCUSSION

The submission faxed to the USPTO was signed by a person, Randy, who is not authorized to practice before the US Patent and Trademark Office since this person does not have a registration number. Accordingly, no further will be taken on this submission. A proper petition under 37 CFR 1.181 is required.

DECISION

For reasons above, the papers filed on 20 November 2003 will be placed in the application file and no further action will be taken on them.

A proper response must be filed within ONE (1) MONTH non-extendable time period from the mail date of this communication. The response should include a cover letter entitled "Petition Under 37 CFR 1.181." No 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: (703) 308-6312
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Richard Cole
PCT Legal Examiner
PCT Legal Office

UNITED STATES PATENT and TRADEMARK OFFICE

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

Conard, Richard
BARNES & THORNBURG
11 South Meridian Street
Indianapolis, IN 46204

In re Application of	:	
NASTKE et al	:	DECISION ON
Application No.: 10/398,631	:	
PCT No.: PCT/EP01/11376	:	
Int. Filing Date: 02 October 2001	:	
Priority Date: 09 October 2000	:	PETITION UNDER
Attorney Docket No.: 127-72620	:	
For: SOLID MATTER MICRO-ENCAPSULATED	:	
BY AN AMINOPLAST AND METHOD FOR	:	
METHOD FOR PRODUCING THE SAME	:	37 CFR 1.181

This decision is in response to the "REQUEST FOR ACKNOWLEDGEMENT OF COMPLETION OF THE U.S. NATIONAL STAGE REQUIREMENTS" received on 08 April 2004, which is being treated as a petition under 37 CFR 1.181 requesting acceptance of a copy of the Declaration, Power of Attorney purportedly filed in the USPTO on 30 April 2003. Applicants have submitted, inter alia, a copy of the 30 April 2003 PTO stamped itemized postcard receipt. The itemized postcard lists, *inter alia*, the following item: Original Declaration and Power of Attorney.

BACKGROUND

In a communication from this Office on 01 April 2004, the communication indicated that the submission faxed to the USPTO and received on 20 November 2003 was signed by a person, Randy, who is not authorized to practice before the US Patent and Trademark Office since this person does not have a registration number. Accordingly, no further was taken on that submission.

On 08 April 2004 applicants filed this petition stating that attached hereto is a copy of the papers filed via "Express Mail" on 30 April 2003 and the undersigned attests that these are true copies.

DISCUSSION

Applicants' present petition accompanied by a copy of the following documents, filed purportedly, *inter alia*, with the PTO as indicated in the stamped postcard:

(1) Original Declaration and Power of Attorney

(2) Original Assignment
(3) Certificate Under 37 CFR 1.10

The postcard lists the above items and bears a USPTO date of stamp as 30 April 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 a Declaration was deposited with the U.S. Patent and Trademark Office on 30 April 2003.

Accordingly, the date of receipt for the Declaration is 30 April 2003.

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 issuance of a Notification of Acceptance of Application (Form PCT/DO/EO/903) identifying a 35 U.S.C.§ 371(c)(1), (c)(2), and (c)(4) date of this application as **30 April 2003**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459

Boris Milef
PCT Legal Examiner
PCT Legal Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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KING & SPALDING LLP
401 CONGRESS AVENUE
SUITE 3200
AUSTIN TX 78701

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NOV 25 2009

OFFICE OF PETITIONS

In re Application of :
Heuer et al. :
Application No. 10/398,633 : DECISION ON PETITION
Filed: April 7, 2003 :
Attorney Docket No. 03869.105807 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 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 February 23, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) an adequate statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2621 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STEPHEN M DE KLERK
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
SEVENTH FLOOR
12400 WILSHIRE BLVD
LOS ANGELES, CA 90025

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FEB 0 8 2008

OFFICE OF PETITIONS

In re Patent No. 7,266,303	:	
Application No. 10/398,637	:	
Filed: September 29, 2003	:	ON PETITION
Issued: September 4, 2007	:	
Attorney Docket No. 6594P001	:	

This is a decision on the petition filed January 4, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the second assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

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

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Liana Walsh
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

4/10/08

Patent No. :7266303
Ser. No. : 10398637
Inventor(s) :Linden et al.
Issued : 9/4/07
Title : THERMOELECTRIC CONVERSION MATERIALS
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

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

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

LADES & PARRY
224 SOUTH MICHIGAN AVENUE
CHICAGO, ILLINOIS

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

8/18/08

Patent No. :7384771
Ser. No. :10398637
Inventor(s) :Michael Gilbert et al.
Issued : 6/10/08
Title : BETA 1.4-N-ACETYLGALACTOSAMINYLTRANSFERASES FORM C. JEJUNI
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

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

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834

HR

24 JUN 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFIC
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ALEXANDRIA, VA 22313-1450
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Diana Hamlet-Cox
Incyte Genomics Inc.
3160 Porter Drive
Palo Alto, CA 94304

In re Application of	:	DECISION ON
HARLAND et al.	:	
Application No.: 10/398,663	:	PETITION UNDER
PCT No.: PCT/US01/31302	:	
Int. Filing Date: 05 October 2001	:	37 CFR 1.182
Priority Date: 06 October 2000	:	
For: LIPID METABOLISM ENZYMES	:	

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 04 April 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 04 April 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 an executed declaration. 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 04 April 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.

06/24/2003 MKAYPAGH 00000146 090108 10398663
01 FC:1460 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 **04 April 2003**.

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.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: 703-306-5467

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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SEP 25 2007

OFFICE OF PETITIONS

James Ray & Associates
2640 Pitcairn Road
Monroeville, PA 15146

In re Application of :
Jeppsson, et al. :
Application No.: 10/398,680 : ON PETITION
Filed: September 5, 2003 :
Attorney Docket No: SG 03105 :

This is in response to the petition under 37 CFR 1.137(b) filed August 24, 2007.

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 respond in a timely manner to the Notice of Allowability mailed March 4, 2005. The notice set a statutory period for reply of three-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A response was not received within the allowable period and the application became abandoned on June 5, 2005. A Notice of Abandonment was mailed on August 18, 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 or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

The instant petition does not satisfy the requirement of item (3) above.

As to Item (3), the *Manual of Paten Examining Procedure*, Section 7711.03(c) provides, in pertinent part, that:

> >Where a petition pursuant to 37 CFR 1.137(b) is not filed within 1 year of the date of abandonment of the application (note that abandonment takes place by operation of law, rather than by the mailing of a Notice of Abandonment), the Office may require:
>
> (A) further information as to when the applicant (or the applicant's representative) 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 (or applicant's representative).<
>
> To avoid delay in the consideration of the merits of a petition under 37 CFR **>1.137(b)< 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(a) or 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application.

Petitioner did not provide not explanation for two-year delay in filing the instant petition. Accordingly, the renewed petition must be accompanied by an explanation for said delay including, but not limited to, the considerations provided in MPEP § 711.03(c) cited above.

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

By mail:

Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

James Ray & Associates
2640 Pitcairn Road
Monroeville, PA 15146

In re Application of
Jeppsson, et al.
Application No.: 10/398,680
Filed: September 5, 2003
Attorney Docket No: SG 03105

: ON PETITION

This is in response to the renewed petition under 37 CFR 1.137(b) filed October 2, 2007.

The renewed 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 respond in a timely manner to the Notice of Allowability mailed March 4, 2005. The notice set a statutory period for reply of three-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A response was not received within the allowable period and the application became abandoned on June 5, 2005. A Notice of Abandonment was mailed on August 18, 2005. A petition under 37 CFR 1.137(b) was first filed August 24, 2007, and dismissed by a decision mailed September 25, 2007.

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

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

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

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

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

The instant petition does not satisfy the requirement of items (2) and (3) above.

As to item (2), the fee for the instant petition is $1540.00 for a large entity. The amount of $1500.00 was received on October 2, 2007. The renewed petition must include the rest of the petition fee in the amount of $40.00.

As to Item (3), the *Manual of Paten Examining Procedure*, Section 7711.03(c) provides, in pertinent part, that:

> >Where a petition pursuant to 37 CFR 1.137(b) is not filed within 1 year of the date of abandonment of the application (note that abandonment takes place by operation of law, rather than by the mailing of a Notice of Abandonment), the Office may require:
>
> (A) further information as to when the applicant (or the applicant's representative) 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 (or applicant's representative).<
>
> To avoid delay in the consideration of the merits of a petition under 37 CFR **>1.137(b)< 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(a) or 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application.

Again, Petitioner did not provide not explanation for two-year delay in filing the instant petition. Accordingly, the renewed petition must be accompanied by an explanation for said delay including, but not limited to, the considerations provided in MPEP § 711.03(c) cited above. The undersigned is not looking for an application transmittal sheet, but a written explaination for the two-year delay in filing the instant petition under 37 CFR 1.137(b).

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

By mail:

Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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James Ray & Associates
2640 Pitcairn Road
Monroeville PA 15146

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OFFICE OF PETITIONS

In re Application of

Jeppson et al.

Application No. 10/398,680

Filed: September 5, 2003

Attorney Docket No. SG03105

: DECISION ON PETITION

This is a decision on the second renewed petition under 37 CFR §1.137(b), December 10, 2007, to revive the above-identified application.

The second renewed petition is **granted**.

This application became abandoned for failure to timely file corrected drawings as required by the Notice of Allowability (the "Notice") mailed March 4, 2005. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on June 5, 2005. A Notice of Abandonment was mailed on August 18, 2005. A petition under 37 CFR 1.137(b0 was first filed on August 24, 2007, and dismissed by a decision mailed September 25, 2007. A renewed petition was filed on October 2, 2007, and dismissed by a decision mailed November 9, 2007.

Corrected drawings were received on August 24, 2007.

A duplicate charge for the petition fee was made on October 2, 2007. The amount of $1500.00 will be refunded, in due course.

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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THORPE NORTH & WESTERN, LLP.
8180 SOUTH 700 EAST, SUITE 200
P.O. BOX 1219
SANDY, UT 84070

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OFFICE OF PETITIONS

In re Application of :
Harrington :
Application No. 10/398,703 : NOTICE
Filed: August 13, 2003 :
Attorney Docket No. 20265.PCT.US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed December 30, 2004.

As set forth at 37 CFR 1.28(c), the deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full. Accordingly, the fee deficiency submission under 37 CFR 1.28 is hereby **accepted**.

The change of status to a large entity has been entered and made of record.

This file is being forwarded to the Office of Initial Patent Examination for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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

John Pietrangelo
Heslin Rothenberg Farley & Mesiti P.C.
5 Columbia Circle
Albany, NY 12203

In re Application of :
Unwin :
Application No. 10/398,706 : DECISION ON
PCT No.: PCT/GB00/02409 :
Int. Filing Date: 22 June 2000 : PETITION UNDER
Priority Date: 24 June 1999 :
Atty. Docket No.: 2246.001 : 37 CFR 1.137(b)
For: Food Container :

This is in response to the petition under 37 CFR 1.137(b) filed on 07 April 2003.

BACKGROUND

This international application was filed on 22 June 2000, claimed an earlier priority date of 24 June 1999, and designated the U.S. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. On 04 January 2001, the International Bureau transmitted a copy of the published international application to the USPTO. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 24 December 2001. 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 petition was accompanied by the basic national fee.

Regarding requirement (2), the petition was accompanied by the petition fee.

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**.

This application is being forwarded to the National Stage Processing Branch for further processing. The date of this application under 35 U.S.C. 371 (c)(1), (2) and (4) is **07 April 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

PET DEC

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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JUN - 8 2004

VP
PAPER NO. ___

In re Application of
Guy Darrell Unwin
Serial Number: 10/398,706
Filed: May 7, 2003
For: FOOD CONTAINER

DECISION
ON
PETITION

This is a decision on the Petition to Make Special because of Actual Infringement, filed under sections 37 C.F.R. 1.102 and 708.02 II of the MPEP on December 8, 2003 regarding the above-referenced application. The fee required under 37 CFR 1.17(h) has been paid. The petition, with the accompanying declaration, meets the requirements of section 708.02 II of the MPEP.

If the examiner finds any interfering application for the same subject matter, the examiner should consider such application simultaneously with this case and should state in the official letter of such application that the examiner is taking it out of its turn because of a possible interference.

Should an appeal be taken or this case become involved in interference, then consideration of the appeal or interference will be expedited by the Patent and Trademark Office, contingent upon diligent prosecution by applicant.

After allowance, this case will be given priority for printing. See MPEP 1309.

The petition is **GRANTED**.

William A. Krynski, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

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12 AUG 2003

Robert M. Barrett
Bell Boyd & Lloyd
P O Box 1135
Chicago, IL 60690-1135

In re Application of
MATICH
Serial No.: 10/398,723
PCT No.: PCT/AU00/00250
Int. Filing Date: 24 March 2000
Priority Date: 30 March 1999
Attorney's Docket No.: 114663-04
For: AN IMPROVED METHOD FOR FORMING STRUCTURAL ARTICLES

DECISION ON

PETITION UNDER

37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 09 April 2003 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $1060 has been paid. The required petition fee of $1300 has also been paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the $130 surcharge for filing the oath or declaration after the thirty month period is required.

/Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (703) 306-5467

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VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

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JAN 27 2010

In re Patent No. 6922654	:	
Issue Date: 07/26/2005	:	
Application No. 10/398726	:	NOTICE
Filed: 08/11/2003	:	
Attorney Docket No. HO1.2-11052	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on November 6, 2009.

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.

The address in the petition is different than the correspondence address. A copy of this decision will be forwarded to the address in the petition. All future correspondence, however, will be mailed solely to the address of record. A change of correspondence address should be filed if the correspondence address needs to be updated.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Attorney
Office of Petitions

Cc: LADAS & PARRY LLP
26 WEST 61ST ST.
NEW YORK NY 10023

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Commissioner for Patents
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JAN 30 2006

Mark D. Moore, Ph.D.
Agent for Applicants
Haynes and Boone, LLP
901 Main Street, Suite 3100
Dallas TX 75202-3789

In re Application of	:
Elliott et al.	:
Serial No.: 10/398,744	: PETITION DECISION
Filed: June 25, 2003	:
Attorney Docket No.: 36697.9	:

This is in response to the petition under 37 CFR § 1.59(b), filed December 13, 2005, to expunge information from the above identified application.

Petitioner requests that the Proprietary Information Disclosure Statement, filed September 7, 2005, 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(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, applicants' petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Bruce Kisliuk
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

APR 18 2005

Mailed:_____

rvk

Paper Number: ____

In re application of :
Nick O'Loughlin : DECISION ON
Serial No. 10/398,751 : PETITION
Filed: April 10, 2003 :
For: PLUNGER FOR BREWING A DRINK :

This is a response to the PETITION UNDER 37 CFR 181 TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION, filed December 22, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of September 23, 2004, for failure to timely file a proper response to the Office letter dated February 11, 2004 be withdrawn. The petitioner asserts that the Office letter of February 11, 2004 was not received by applicant.

DECISION

The instant request is accepted as a petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Office letter of February 11, 2004 was not received by petitioner. The evidence provided includes a statement by the petitioner that the Office letter of February 11, 2004 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter of February 11, 2004 was not received. Also provided is a copy of the attorney's application docket records from May 11, 2004 through May 12, 2004 where a corresponding due date to the Office letter of February 11, 2004 for SN 10/398,751 would have been posted had the Office letter of February 11, 2004 been timely received.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the above noted Office letter to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is **GRANTED**.

JStone

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

BURNS DOANE SWECKER & MATHIS L.L.P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

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

Date: 01/05/09

Patent No. : 6902324 B2
Ser. No. : 10/398,758
Inventor(s) : STEFFENS, THOMAS
Issued : 06/07/05
Title : **CRANKSHAFT BEARING SHELL**
Docket No. : **2360 0881US**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 756-1574 or (703) 305-8309

Dreiss Fuhlendorf Steimle & Becker
Postfach 10 37 62
Stuttgart D-700-32 DE GERMANY

LMN

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DREISS FUHLENDORF STEIMLE & BECKER
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STUTTGART D-700-32 DE GERMANY

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APR 08 2010

OFFICE OF PETITIONS

In re Patent No. 6,902,324
Issue Date: June 7, 2005
Application No. 10/398,758
Filed: April 10, 2003
Attorney Docket Number: **2360 0881US**

ON PETITION

This is a decision on the petition filed February 11, 2010, under 37 CFR 3.81(b) to accept the correction of the assignee on the front page of the above-identified patent.

The petition under 37 CFR 3,81(b) is **DISMISSED**.

Petitioner states that the name of a second assignee, was inadvertently not included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the name of the second assignee on the front page of the Letters Patent.

While a review of the assignment records of the USPTO reveals that in fact there are two assignees, KS GLEITLAGER GMBH and DAIMLERCHRYSLER AG, petitioner argues that the name of the second assignee, inadvertently omitted from the Issue Fee Transmittal is DAIMLER AG by virtue of a name change which was properly recorded.

USPTO records show that the name change was in fact recorded however the recordation is dated June 17, 2009, after the patent issued.

A Certificate of Correction is only appropriate if the patentee's information as printed on the Letters Patent was not correct at the time of issuance of the patent. In this case, while the USPTO records have been updated based on the name change, at the time of issuance, the assignment, as recorded, properly identified the second assignee as DAIMLERCHRYSLER AG. Thus, the requested certificate of correction with DAIMLER AG, cannot be issued and the petition must be dismissed.

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

By FAX: (571) 273-8300

The file is being returned to Files Repository.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JUN 18 2010

OFFICE OF PETITIONS

In re Patent No. 6,902,324
Issue Date: June 7, 2005
Application No. 10/398,758
Filed: April 10, 2003
Attorney Docket Number: **2360 0881US**

ON PETITION

This is a decision on the RENEWED PETITION UNDER 37 CFR 3.81(B) filed May 11, 2010, to accept the correction of the assignee on the front page of the above-identified patent.

The petition under 37 CFR 3,81(b) is **DISMISSED**.

Petitioner states that the name of a second assignee, was inadvertently not included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the name of the second assignee on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

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

Office assignment records reflect that DAIMLERCHRYSLER AG is also an assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

The petition fee in the amount of $130 and the fee for the certificate of correction in the amount of $100 have been charged to deposit account no. 50-1030.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This file is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mitchell P. Brook
LUCE, FORWARD, HAMILTON & SCRIPPS LLP
11988 EL CAMINO REAL, SUITE 200
SAN DIEGO CA 92130

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FEB 25 2010

In re Patent of Stergiopulos :
Patent No. 6,974,445 :
Issued: December 13, 2005 : NOTICE
Application No. 10/398,764 :
Filed: April 10, 2003 :
Attorney Docket No. 2590-61 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed December 10, 2009.

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) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RALPH H. DOUGHERTY
4219 KRONOS PLACE
CHARLOTTE NC 28210

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OFFICE OF PETITIONS

In re Application of
Zakel et al.
Application No. 10/398,784
Filed: August 4, 2003
Attorney Docket No. 3700

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $555.00 extension of time fee submitted with the petition on November 21, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 1793 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

RALPH H. DOUGHERTY
4219 KRONOS PLACE
CHARLOTTE NC 28210

In re Patent No. 6,955,284
Issue Date: October 18, 2005
Application No. 10/398,788
Filed: April 7, 2003
Attorney Docket No. 3702

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed March 29, 2010, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management 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 Niomi Farmer in the Office of Data Management at (703) 308-9250, Ext. 139.

A copy of this decision is being faxed to the Office of Data Management for issuance of a duplicate Letters Patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, South Tower, 8th Floor, Room C23 (Fax No. (571) 270-9753)

UNITED STATES PATENT AND TRADEMARK OFFICE

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FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198

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JUL 31 2007

OFFICE OF PETITIONS

In re Patent No. 7,008,978 :
Issue Date: March 7, 2006 :
Application No. 10/398,790 : ON PETITION
Filed: June 2, 2003 :
Attorney Docket No. DNAG-251 (10304457) :

This is a decision on the petition under 37 CFR 1.182, filed by facsimile transmission on October 20, 2006, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is granted.

The Publishing Division is directed to issue duplicate Letters Patent.

It is noted that petitioner submitted $130 for treatment of the instant petition. However, a petition under 37 CFR 1.182 requires a petition fee of $400. Therefore, as authorized, the difference of $270 has been charged to petitioner's deposit account.

A copy of this decision is being forwarded to the Office of Publications for issuance of the duplicate Letters Patent. The patent file is being referred to the Files Repository.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226. Any questions concerning issuance of the duplicate Letters Patent should be directed to Krystal Paige at (703) 308-9250 ext 139.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Krystal Paige, P/OPPD, South Tower 8th Floor, Room C-32 (FAX 571-270-9937)

02 NOV 2003

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Oliff & Berridge
PO Box 19928
Alexandria, VA 22320

In re Application of	:	
YOSHIKAWA, Kazutaka et al.	:	
Application No.: 10/398,800	:	DECISION
PCT No.: PCT/JP02/08191	:	
Int. Filing Date: 09 August 2002	:	ON PETITION UNDER
Priority Date: 10 August 2001	:	
Docket No.: 115265	:	37 CFR 1.181
For: TRAFFIC INFORMATION RETRIEVAL ... CENTER	:	

This decision is in response to applicant's "Petition Under 37 CFR §1.181," requesting a corrected filing receipt, filed with the United States Patent and Trademark Office on 04 October 2004.

A review of the application file indicates that a declaration in compliance with 37 CFR 1.497(a)-(b) was received on 05 May 2003.

Accordingly, the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 20 June 2003, indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required, issued in error and is **VACATED**. Additionally, the Notification of Acceptance mailed on 02 September 2003 indicating that the requirements of 35 USC §371(c)(1), (2), and (4) were satisfied on 27 June 2003 is **VACATED**.

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. A corrected Notification of Acceptance (Form PCT/DO/EO/903) indicating that the requirements under 35 U.S.C. §371(c)(1), (2), and (4) were satisfied on 05 May 2003 is being mailed separately.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292
Facsimile: (571) 273-0459

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BACON & THOMAS
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314

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NOV 0 4 2005

OFFICE OF PETITIONS

In re Application of :
Bernd Strutt et al :
Application No. 10/398,804 : ON PETITION
Filed: April 10, 2003 :
Attorney Docket No. 303-068 :

This is a decision on the petition, filed November 2, 2005, and supplemented on November 3, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on September 15, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 2836 will consider the request for continued examination under 37 CFR 1.114.

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

---

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

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Paper No.

Joseph S Tripoli
Patent Operations
Thomson Multimedia Licensing Inc
CN Box 5312
Princeton NJ 08543-0028

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JAN 2 2 2009

OFFICE OF PETITIONS

In re Application of	:	
DeFrance et al.	:	DECISION ON PETITION
Application No. 10/398,817	:	
Filed: April 9, 2003	:	
Attorney Docket No. PF000098	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed October 21, 2008.

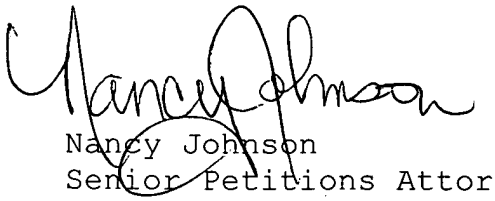
The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed November 16, 2007. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered filed and no extension of time obtained, the application became abandoned effective February 17, 2008. A courtesy Notice of Abandonment was mailed on July 23, 2008.

The petition includes the required reply in the form of an amendment, the required statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required.

Technology Center AU 2621 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed October 21, 2008.

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Via Meravigli 16
Milano 20123 IT ITALY

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OCT 2 5 2005

OFFICE OF PETITIONS

In re Application of :
Moreno FIORAVANTI :
Application No. 10/398,822 : ON PETITION
Filed: April 9, 2003 :
Attorney Docket No. 37501/GM/1p :

This is a decision on the petition under 37 CFR 1.137(b), filed October 11, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed November 3, 2004, which set a period for reply of one (1) month or thirty (30) days, whichever is longer. A two (2) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on February 4, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of $750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Non-Compliant Amendment mailed November 3, 2004 is accepted as having been unintentionally delayed.

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

The application file is being referred to Technology Center AU 3617 for appropriate action on the concurrently filed amendment.

Brian Hearn
Petitions Examiner
Office of Petitions

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Paper No.

MAILED

AUG 21 2009

OFFICE OF PETITIONS

In re Patent No. 7,507,766	:	
Lazaro et al.	:	DECISION ON
Application No. 10/398,835	:	REQUEST FOR
Issue Date: March 24, 2009	:	RECONSIDERATION OF
Filed: August 1, 2003	:	PATENT TERM ADJUSTMENT
Attorney Docket No.: 14620-022US1	:	UNDER 37 CFR § 1.705(d)

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed on May 21, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from three hundred and forty-five (345) to five hundred (500) days.

The request for reconsideration of patent term adjustment is **GRANTED TO THE EXTENT INDICATED HEREIN**.

The request for reconsideration of the patent term adjustment is **GRANTED**.

Patentee is given **THIRTY (30) DAYS OR ONE (1) MONTH**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 C.F.R. § 1.136.

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 257 days.

As a preliminary matter, Patentees have indicated that the Office made errors when calculating the delay associated with three submissions.

First, a Request for Continued Examination (RCE) was filed on December 11, 2006, and an Information Disclosure Statement (IDS) was subsequently filed on February 21, 2007. Pursuant to 37 C.F.R. § 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed will result in a reduction by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed. Consequently, the filing of the IDS should have resulted in a reduction of 72 days. The Office improperly assigned no reduction for this supplemental reply.

Second, a non-final Office action was mailed on December 31, 2007, and a response was received on June 2, 2008. The Office improperly used a receipt date of May 21, 2008 for this submission. Pursuant to 37 C.F.R. § 1.704(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. Consequently, according to the receipt date of May 21, 2008, the submission resulted in a reduction of 51 days. It follows that the Office should have accorded a reduction of 63 days.

Third, in response to the response of June 2, 2008, the Office mailed a notice of allowance on September 25, 2008. Pursuant to 37 C.F.R. § 1.703(a)(2), the Office is required to respond to a reply under 35. U.S.C. § 1.111 within four months after the filing of the reply. Using the improper receipt date of May 21, 2008, the Office entered 4 days for Office delay. However, using the date of June 2, 2008, the mailing of the notice of allowance was within the four-month period for response, and as such, no delay should have been accorded.

It follows that the total period of Office delay is 466 days, and is not in dispute; the total period of Applicant delay is 209 days, and is not in dispute.

On March 24, 2009, the application matured into U.S. Patent No. 7,507,766, with a revised patent term adjustment of 345 days. As set forth above, the patent term adjustment should have been 257 (466 - 209) days.

On May 21, 2009, patentees timely submitted this request for reconsideration of patent term adjustment within two months of the issue date of the patent. Patentees request 243 days of additional patent term adjustment in accordance with the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert 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." Patentees maintain that the period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b), of 243 days and the period of adjustment due to examination delay, pursuant to 37 CFR § 1.702(a), of 466 days do not overlap as these periods do not occur on the same day. Accordingly, patentees request that the patent term adjustment be recalculated as 466 + 243 - 0 (overlap) - 209 days of undisputed applicant delay = 500 days.

Pursuant to 35 U.S.C. 154(b)(1)(B), the term of a 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. As acknowledged by patentees, this period does not include any time consumed by continued examination of the application requested by the applicant under section 132(b). Thus, the relevant period in considering this overlap ends with applicant's filing of the request for continued examination (RCE) pursuant to section 132(b). Further, the period for over three-year pendency does not include any period of adjustment which overlaps with the period of adjustment for Office delay accorded pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a).

The Office agrees that the application was pending 3 years and 243 days after its filing date, as of the filing of the request for continued examination (RCE) on December 11, 2006. Moreover, as of the filing of the RCE, 466 days of adjustment for Office delay had been accorded pursuant to 35 U.S.C. 154(b)(1)(A) and

§ 1.702(a)(1). At issue is whether the period of adjustment of 243 days attributable to the Office taking in excess of three years to issue the patent overlaps with the adjustment of 466 days attributable to the Office's failure to issue a first Office action no later than fourteen months after the application filing date. The Office is of the position that the 243 days do overlap and thus, entry of the 243 days for over three-year pendency is not permitted. Accordingly, the correct patent term adjustment as 466 - 209 = 257 days.

This calculation of the patent term adjustment has been reconsidered. 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.

Likewise, 37 CFR 1.703(f) provides that:

> 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.

As explained in *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)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office 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. 56366 (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 (June 15, 2004). See also *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)*, 69 Fed. Reg. 34283 (June 21, 2004).

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). The period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames.

In this instance, there is an excluded period for the filing of a request for continued examination (RCE). Thus, 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 beginning on the date of filing of the application, August 1, 2003 and ending on the date of filing of the request for continued examination, December 11, 2006. 466 days of adjustment for Office delay were accorded prior to the filing of the RCE. The 243 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 466 days attributable to grounds specified in § 1.702(a)(1). Entry of both periods is neither permitted nor warranted. The greater

period of 466 days is considered the actual number of days the issuance of the patent was delayed, as of the filing of the RCE.

Accordingly, at issuance, no additional days of patent term adjustment should be entered for the Office taking in excess of 3 years to issue the patent.

In view thereof, the Office confirms that the revised determination of patent term adjustment at the time of the issuance of the patent is 257 days (466 - 209).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 257 days.

Telephone inquiries specific to this matter should be directed to Paul Shanoski, Senior Attorney, at (571) 272-3225.

C. L. Donnell for

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,507,766 B2

DATED : March 24, 2009

INVENTOR(S) : Lazaro 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 345 days

Delete the phrase "by 345" and insert – by 257 days--

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OFFICE OF PETITIONS

In re Patent No. 6,960,590	:	DECISION ON REQUEST
Fraley et al.	:	FOR RECONSIDERATION OF
Issue Date: November 1, 2005	:	PATENT TERM ADJUSTMENT
Application No. 10/398,851	:	and
Filed: April 10, 2003	:	NOTICE OF INTENT TO ISSUE
Attorney Docket No. 20756YP	:	CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d)," filed October 21, 2005. Patentee requests that the patent term adjustment indicated in the patent be corrected from one hundred sixty-one (161) days to two hundred eighty-one (281) days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of two hundred eight-one **(281)** days.

On November 1, 2005, the above-identified application matured into U.S. Patent No. 6,960,590. The instant request for reconsideration filed October 21, 2005 was timely filed within 2 months of the date the patent issued. See § 1.705(d). The

Patent issued with a revised Patent Term Adjustment of 161 days. Patentee disputes the reduction of 120 days due to "Workflow-Drawings finished" as there were no drawings in the case.

A review of the PALM calculations for this application reveals that the initial determination of PTA of 281 days was reduced by 120 days for applicants' submission of drawings after the mailing of the notice of allowance. See 37 CFR 1.704(c)(10). However, a review of the application record supports a conclusion that no drawings (or any other paper, aside from the instant petition) were filed in this application after the mailing of the notice of allowance. There were no drawings in this application.

In view thereof, the patent term adjustment indicated in the patent should have been two hundred eighty-one **(281)** days.

The $200.00 fee set forth in 37 CFR 1.18(e) has been charged to Deposit Account No. 13-2755, as authorized in the general authorization of record in the application. No additional fees are required.

The fee under § 1.18(e) is required on petition under § 1.705(d) and will not be refunded.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by TWO HUNDRED AND EIGHTY-ONE (281) days.

Telephone inquiries specific to this matter should be directed to Charlema R. Grant, Petitions Attorney, at (571) 272-3215.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions
Office of Deputy Commissioner
For Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 6,960,590 B2

DATED : November 1, 2005

INVENTOR(S) : Fraley 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 (161) days

Delete the phrase "by 161 days" and insert – by 281 days--

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WASHINGTON DC 20005

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OFFICE OF PETITIONS

In re Application of :
LEE :
Application No.: 10/398,866 : DECISION ON PETITION
Filing Date: April 10, 2003 : UNDER 37 CFR 1.137(B)
Attorney Docket No.: 2957-0130 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 20, 2006, 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 March 21, 2006, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on June 21, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue fee and publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. As to item (3), petitioner's statement that the "[o]n information and belief the delay in payment of the issue and publication fee was unintentional on the part of the applicant" has been construed as meaning that the "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, applicant must *immediately* notify the Office of the Deputy Commissioner for Patent Examination Policy of such fact. Accordingly, the payment of the issue fee and publication fee is accepted as having been unintentionally delayed.

The Notice of Abandonment mailed July 31, 2006 is hereby VACATED.

This application is being referred to the Office of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3301.

Daniel Stemmer
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy

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Frederick D. Bailey
Antonelli, Terry, Stout & Kraus, LLP
1300 North 17th Street, Suite 1800
Arlington, VA 22209-9889

In re Application of	:	
WESTMAN, et al.	:	
U.S. Application No.: 10/398,867	:	
PCT No.: PCT/IB01/01896	:	DECISION ON RENEWED
Int. Filing Date: 10 October 2001	:	
Priority Date: 10 October 2000	:	PETITION UNDER
Attorney Docket No.:0172.39152X00	:	
For: TECHNIQUES FOR HIDING NETWORK ELEMENT NAMES AND ADDRESSES	:	37 CFR 1.181

This decision is in response to applicant's "Petition to Withdraw Holding of Abandonment Under 37 C.F.R. §1.81(a)" filed 27 October 2004 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 October 2001, applicant filed international application PCT/IB01/01896. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 April 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 April 2003.

On 10 April 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 preliminary amendment. An oath or declaration as required by 35 U.S.C. 371 (c)(4) was not filed.

On 22 July 2003, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed 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. In addition, applicant was notified of the need to provide a surcharge of $130.00 for filing the oath or declaration later than the appropriate 20 or 30 months from the earliest priority date. (37 CFR 1.492(e). Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 07 October 2004, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that the application was abandoned as to the United

States of America for failure to respond to the Form PCT/DO/EO/905 mailed 22 July 2003.

On 27 October 2004, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

As detailed in the Manual of Patent Examination Procedure at 711.03 (c) and Official Gazette notice 1156 OG 53, a petition under 37 CFR 1.181 requesting relief based upon non-receipt of an office action must be accompanied by:

> A statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Applicant has satisfied all of the items above, except that the copy of the docket record appears to be merely for the present application. A copy of the docket for the entire legal department for the period in question is required. This requirement is to assure that the Office action was not inadvertently docketed to another attorney in the department or law firm. As explained in the Manual of Patent Examination (MPEP):

> A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.

In order to guard against human error in the docketing of papers, applicant is required to provide a copy of the docket record for the legal department. Applicant is not required to provide the docket record for the entire prosecution period, but merely for the period for reply; specifically, 22 September 2003.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **DISMISSED**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.181." 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 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: 571-272-3294
Fax: 571-273-0459

10 MAR 2005

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In re Application of	:	
WESTMAN, et al.	:	
U.S. Application No.: 10/398,867	:	
PCT No.: PCT/IB01/01896	:	DECISION ON RENEWED
Int. Filing Date: 10 October 2001	:	
Priority Date: 10 October 2000	:	PETITION UNDER
Attorney Docket No.:0172.39152X00	:	
For: TECHNIQUES FOR HIDING NETWORK ELEMENT NAMES AND ADDRESSES	:	37 CFR 1.181

This decision is in response to applicant's "Renewed Petition Under 37 C.F.R. §1.181" filed 07 January 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 16 December 2004, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment in the present national stage application. Applicant was afforded two months to file any request for reconsideration.

On 07 January 2005, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

As explained in the decision mailed 16 December 2004, a petition under 37 CFR 1.181 requesting relief based upon non-receipt of an office action must be accompanied by:

> A statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Applicant previously satisfied all of the items above, however it was unclear whether the copy of the docket record supplied was a copy of the docket for the entire legal department for the period in question is required.

Applicant has presently provided a copy of the firm docket record covering the entire response period. As such, it is proper to grant applicant's renewed petition at this time.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.181 is **GRANTED**.

The "Notification of Abandonment" (Form PCT/DO/EO/909) mailed 07 October 2004 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for the preparation and mailing of a new "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating the need to file an executed oath or declaration of the inventors and payment of the appropriate surcharge.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294
Fax: 571-273-0459

02 APR 2004

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Gerald M. Murphy
Birch, Stewart, Kolasch & Birch, LLP
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of	:	
Arai et al.	:	
Application No.: 10/398,869	:	DECISION
PCT No.: PCT/JP01/07106	:	
Int. Filing Date: 20 August 2001	:	
Priority Date: 11 October 2000	:	
Attorney's Docket No.: 4600-0101P	:	
For: NOVEL PLA1	:	

This decision is in response to applicant's "REQUEST TO RESTART RESPONSE PERIOD" which is being treated as a petition under 37 CFR 1.181, filed on the 20 February 2004.

BACKGROUND

On 20 August 2001, applicant filed international application PCT/JP01/07106 that claimed priority of an earlier Japanese application which was filed 11 October 2000. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 April 2002. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 11 April 2003.

On 10 April 2003, applicant filed a letter for entry into the national stage in the United States which was accompanied by, *inter alia*, an information disclosure statement, a preliminary amendment and the basic national fee of $900 as required by 35 U.S.C. 371(c). These papers were assigned application number 10/398,869.

On 15 July 2003, the United States Designated/Elected Office (DO/EO/US) mailed applicant a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" which required a signed oath or declaration and a sequence listing complying with the standard. This notification set a two month time period for response which was extendable under 37 CFR 1.136(a).

On 20 February 2004, applicant filed the current communication requesting that the response period be restarted for the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905).

DISCUSSION

MPEP section 711.03 establishes the requirement to show non-receipt of an Office action. It states, in part:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.

Applicant has provided the required statement, a copy of the file jacket and the docket records for the date on which the reply would have been due.

CONCLUSION

The petition is **GRANTED**.

The application is being returned to the United States Designated/Elected Office for processing in accordance with this decision; that is, for the remailing of the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) previously mailed 15 July 2003, and setting a two-month period for reply.

Debra S. Brittingham
PCT Special Programs Examiner
PCT Legal Office

Conferee: Leonard Smith
PCT Legal Examiner
PCT Legal Office

DSB/LS:dsb
Telephone: (703) 308-3401
Facsimile: (703) 308-6459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : February 04, 2008

TO SPE OF : ART UNIT 1654

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/398,876 Patent No.: 7192931 B2

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

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

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

DO NOT SENT TO ATTORNEY

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

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

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

LAMONTE

NEWSOME

Certificates of Correction Branch

703-308-9390 ext. 112

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

_____

_____

_____

_____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Carla Tsay

1654

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

10/398878

Paper No.: _____

DATE : 1-19-06

TO SPE OF : ART UNIT 3765

SUBJECT : Request for Certificate of Correction on Patent No.: 6,836,906

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-922
Palm location **7580** - Tel. No. 305-8309

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

Please check reprint of patent

Thank You For Your Assistance

Certificates of Correction Branch

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

Note your decision on the appropriate box.

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

Comments:

All changes listed on page 5 of 44 of document COCIN (4/20/2005) are approved.

Gary L. Welch — SPE

3765 — Art Unit

05 DEC 2003

#6

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DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

In re Application of ELLIS et al. Application No.: 10/398,883 PCT No.: PCT/GB01/04512 Int. Filing: 11 October 2001 Priority Date: 11 October 2000 Attorney Docket No.: 0046-P03157USO For: A TEXTILE PROSTHESIS	: DECISION ON PETITION :UNDER 37 CFR 1.181

This is a decision on applicant's communication filed on 24 November 2003 in the United States Patent and Trademark Office (USPTO) in the above-captioned application. Applicant requests that the USPTO accept a copy of the declaration in lieu of the originally filed declarations submitted on 10 July 2003. The communication will be treated as a petition under 37 CFR 1.181.

On 17 July 2003, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration after the thirty month period was required. Applicant was required to provide a reply, within two months of the mail date, with extensions of time available under 37 CFR 1.136(a).

On 30 October 2003, a copy of an alleged reply to the Notification of Missing Requirements including an alleged copies of the executed declarations, Customer Copy of the Express Mail label no. "EV327965090US" with a date- in" of 10 July 2003, transmittal letter and itemized postcard receipt bearing USPTO date-stamp of 10 July 2003 were sent to the USPTO via facsimile without the attorney's signature, as required by 37 CFR 10.18. In an Office communication issued on 18 November 2003, the attorney of record was advised of the rule requiring the attorney's signature on all correspondence pursuant to 37 CFR 10.18.

On 24 November 2003, in response to the Office communication, attorney for applicants filed certified copies of the itemized USPTO mail room date-stamped postcard receipt and executed declarations indicating that the declarations were originally filed on 10 July 2003.

DISCUSSION

The original declarations filed on 10 July 2003 is not located in the application file. However, a review of the finance records for 10/398,883 indicates that the $130 surcharge for filing the declaration after the thirty month period was paid on 10 July 2003.

As stated in section 503 of the Manual of Patent Examining Procedure (8th Ed., August

2001)(MPEP):

> 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.

A review of the USPTO date-stamped, itemized postcard receipt indicates that the combined declarations and powers of attorney were deposited with the USPTO on 10 July 2003.

The evidence submitted is sufficient to establish that a declaration for this application was received in the USPTO on 10 July 2003. The communication filed 24 November 2003 includes a copy of the executed declarations. Accordingly, it is appropriate to accept the copy of the declarations as a replacement for the missing original declarations with a deposit date of 10 July 2003. The evidence submitted by applicant, the postcard receipt date stamped by the USPTO, is sufficient to overcome the *prima facie* evidence of the application file itself.

A review of the declaration reveals that the declaration identifies each inventor, and states the residency, citizenship and mailing address of each inventor. Thus, the declaration is acceptable and the requirements of 37 CFR 1.497 are met.

CONCLUSION

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

The copies of the declarations originally submitted on 10 July 2003 and resubmitted on 24 November 2003 are acceptable and meet the requirements of 37 CFR 1.497.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c) date is **10 July 2003.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (703) 306-5467
Facsimile: (703) 308-6459

15 OCT 2004

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

In re Application of
YU, et al.
PCT No.: PCT/US00/32606
Application No.: 10/398,887
Int. Filing Date: 30 November 2000
Priority Date: 31 October 2000
Atty. Docket No.: 5218-82
For: TISSUE LOCKABLE CONNECTING STRUCTURES ADAPTED TO PROVIDE SECURE INFECTION RESISTANT BIOSEALING PLUS MECHANICAL CONNECTIONS WITH TISSUE, AND ASSOCIATED PERCUTANEOUS ACCESS DEVICES AND METHODS

DECISION ON PETITION

UNDER 37 CFR 1.181

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. Applicant's filing of 09 July 2003 is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 24 June 2003, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was also informed of the need to pay the required surcharge for providing and oath or declaration of the inventors later than thirty months from the priority date. Applicant was afforded two months to file the required response.

On 09 July 2003, applicant filed a response including a copy of an executed combined declaration and power of attorney and stamped postcard receipt indicating that the declaration had been filed 19 May 2003.

On 21 July 2003, applicant was mailed a "Notification of Acceptance" indicating a 371 date of 09 July 2003.

DISCUSSION

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. See MPEP 503. Here, applicant has provided a copy of the date-stamped postcard receipt. The postcard identifies the application by Docket number and serial number. Among the items listed on the receipt is "Declaration & POA" The postcard is stamped "OIPE Patent and Trademark Office JC54 MAY 19 2003." The evidence is sufficient to establish that the combined declaration and power of attorney for this application was received in the USPTO on 19 May 2003. An examination of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States were satisfied on 19 May 2003. As such, it is proper to **GRANT** applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application will be given an international filing date of 30 November 2000 under 35 U.S.C. 363 and a date of **19 May 2003** 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 21 July 2003 indicating a date of 09 July 2003 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

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Commissioner for Patents
United States Patent and Trademark Office
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GIUSEPPE GIORDANO
31 CH DE PERNESSY
LE MONT SUR LAUSANNE VD CH-1052 CH
SWITZERLAND

COPY MAILED

NOV 27 2007

OFFICE OF PETITIONS

In re Application of :
Giuseppe Giordano :
Application No. 10/398,928 : ON PETITION
Filed: April 11, 2003 :
Attorney Docket No. None :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 31, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition does not comply with any of the requirements of 37 CFR 1.137(b).

It is initially pointed out that petitioner submitted the $250 fee required for a petition under the unavoidable provisions of 37 CFR 1.137(a), not the $750 petition fee required for a petition under 37 CFR 1.137(b). Accordingly, the petition fee is deficient by $500.

Further, petitioner failed to provide a proper response to the non-final Office action of April 21, 2005 and an adequate statement for the delay in filing the response.

---

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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 the omitted items and 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.

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

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

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

The centralized facsimile number is **(571) 273-8300.**

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

#6

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MERCK AND CO INC
P O BOX 2000
RAHWAY NJ 07065-0907

In re Application of	:	
ZHUANG et al.	:	
Application No.: 10/398,929	:	DECISION
PCT No.: PCT/US01/42553	:	
Int. Filing Date: 09 October 2001	:	
Priority Date: 12 October 2000	:	
Attorney Docket No.: 20760YP	:	
For: AZA- AND POLYAZA-NAPHTHALENLY CARBOXAMIDES USEFUL AS HIV INTEGRASE INHIBITORS	:	

This decision is in response to applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 17 July 2003.

BACKGROUND

On 09 October 2001, applicants filed international application PCT/US01/42553, which claimed a priority date of 12 October 2000. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 May 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 April 2003 (12 April 2003 being a Saturday).

On 11 April 2003, applicant filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date.

On 19 June 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, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required. The Notification set a two-month extendable time period.

On 17 July 2003, applicants submitted, *inter alia*, a declaration of the inventors.

On 05 March 2004, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of

America for failure to properly respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 19 June 2003 within the time period set therein.

DISCUSSION

The papers originally filed 17 July 2003 have now been matched with the application file. Accordingly, the NOTIFICATION OF ABANDONMENT mailed 05 March 2004 is hereby VACATED.

The declaration of inventors filed 17 July 2004 is in compliance 37 CFR 1.497(a)-(b). The published international application lists Mark Embrey as an inventor while the declaration of inventors filed 17 July 2004 lists Mark W. Embrey as an inventor. As to the middle initial of Mr. Embrey, the difference in names is presumed not to be a name change or a change of inventors or a typographical error. The name Mark Embrey is presumed to be a shortened version of the name Mark W. Embrey and these names are construed to designate the same person. (If this interpretation is incorrect, applicants are required to provide a written notification of this fact to the Office of PCT Legal Administration *immediately*.)

CONCLUSION

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 05 March 2004 is VACATED.

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

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Paper No.

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

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JUN 18 2008

In re Application of	:	
Gonzalez et al.	:	
Application No. 10/398,942	:	LETTER REGARDING
Filed: May 19, 2003	:	PATENT TERM ADJUSTMENT
Atty Docket No. 090109-0101	:	

This is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT," filed May 5, 2008. Pursuant to their duty of candor and good faith to the Office, applicants disclose that the patent term adjustment indicated on the Notice of Allowance is not the same as the Applicant's own calculation of Patent Term Adjustment.

The request for review of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is three hundred ninety-eight **(398)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On March 12, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 487 days. Applicants do not state a basis for their disclosure.

Nonetheless, a review of the record reveals that in response to the Office action mailed October 19, 2006, applicants did not

file an RCE until April 18, 2007, three months and 89 days later. As such, a period of reduction of 89 days should have been entered pursuant to 37 C.F.R. §1.704(b).

As such, the correct initial determination of the patent term adjustment at the time of the mailing of the notice of allowance is three hundred ninety-eight (398) days.

As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks Applicants for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded and the period is not consumed by the request for continued examination).

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

PTA Calculations for Application: 10/398942			
Application Filing Date:	05/19/2003	PTO Delay (PTO):	643
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	156
Post-Issue Petitions:	0	Total PTA (days):	398
PTO Delay Adjustment:	-89		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
60	06/13/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		89	
49	03/12/2008	MAIL NOTICE OF ALLOWANCE	5		35
48	01/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		64	35
47	01/10/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
46	01/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
45	12/20/2007	ISSUE REVISION COMPLETED			
44	12/20/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
43	12/20/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
42	12/20/2007	DOCUMENT VERIFICATION			
41	12/17/2007	NOTICE OF ALLOWABILITY			
38	11/07/2007	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
37	11/07/2007	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
36	11/17/2007	DATE FORWARDED TO EXAMINER			
35	11/07/2007	RESPONSE AFTER NON-FINAL ACTION		61	32
34	11/07/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
33	10/05/2007	CASE DOCKETED TO EXAMINER IN GAU			
32	06/07/2007	MAIL NON-FINAL REJECTION			
29	05/29/2007	NON-FINAL REJECTION			
28	04/23/2007	DATE FORWARDED TO EXAMINER			
27	04/18/2007	AMENDMENT SUBMITTED/ENTERED WITH			

		FILING OF CPA/RCE			
26	04/23/2007	DATE FORWARDED TO EXAMINER			
25	04/18/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
24	04/23/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
23	04/18/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
22	04/18/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
21	10/19/2006	MAIL NON-FINAL REJECTION			
20	10/16/2006	NON-FINAL REJECTION			
19	09/15/2006	CASE DOCKETED TO EXAMINER IN GAU			
18	09/15/2006	CASE DOCKETED TO EXAMINER IN GAU			
17	09/05/2006	DATE FORWARDED TO EXAMINER			
16	08/18/2006	RESPONSE AFTER NON-FINAL ACTION		31	14
15	08/18/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
14	04/18/2006	MAIL NON-FINAL REJECTION	638		-1
13	04/17/2006	NON-FINAL REJECTION			
11	04/11/2006	CASE DOCKETED TO EXAMINER IN GAU			
10	05/19/2003	PRELIMINARY AMENDMENT			
8	01/29/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
7	01/29/2004	CLAIMS PTO			
6	12/10/2003	CASE DOCKETED TO EXAMINER IN GAU			
5	10/23/2003	TRANSFER INQUIRY TO GAU			
4	06/17/2003	CLEARED BY OIPE CSR			
3	06/11/2003	APPLICATION DISPATCHED FROM OIPE			
2	06/11/2003	NOTICE OF DO/EO ACCEPTANCE MAILED			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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10 MAR 2004

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#8

Brinks Hofer Gilson & Lione
PO Box 10395
Chicago, IL 60610

In re Application of :
BRAASCH, Jan et al. :
Application No.: 10/398,950 : DECISION
PCT No.: PCT/EP01/11688 :
Int. Filing Date: 10 October 2001 : ON REQUEST UNDER
Priority Date: 12 October 2000 :
Attorney's Docket No.: 56/400 : 37 CFR 1.497(d)
For: POSITION MEASURING DEVICE :
AND A METHOD FOR OPERATING :
A POSITION MEASURING DEVICE :

This is a decision on "Correction of Inventorship Pursuant to 37 C.F.R. §1.497(d)," filed on 26 September 2003.

BACKGROUND

On 10 October 2001, applicant filed international application PCT/EP01/11688, which claimed a priority date of 12 October 2000. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 18 April 2002. On 25 April 2002, applicant filed a demand for international preliminary examination which elected the United States, prior to nineteen months from the priority date. The deadline for entry into the national stage in the United States was midnight on 14 April 2003 (12 April 2003 was a Saturday).

On 10 April 2003, applicant filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee.

On 24 June 2003, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 01 August 2003, applicant submitted a declaration executed by five inventors including Sebastian Tondorf.

On 26 August 2003, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the oath or declaration was defective as it listed an additional inventor who was not listed on the international application.

On 26 September 2003, applicant filed a declaration and a "Correction of Inventorship Pursuant to 37 CFR §1.497(d)".

DISCUSSION

Under 37 CFR 1.41(a)(4), the inventorship of the international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any change effected under PCT Rule 92bis.

A review of the file reveals a Notification of the Recording of a Change (Form PCT/IB/306). It indicates that Sebastian Tondorf was added as an inventor.

As such, the petition under 37 CFR 1.497(d) is moot. The petition fee will be refunded to deposit account no. 23-1925.

However, the declaration submitted 01 August 2003 was defective, nonetheless. It contained non-dated, non-initialed alterations to the postal address of inventor Jan Braasch. The 26 September 2003 declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **DISMISSED AS MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt. The date under date under 35 U.S.C. §§371(c)(1), (c)(2) and (c)(4) date is 26 September 2003.

Boris Milef
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

25 MAR 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

#4

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Joseph Sofer, Esq.
Sofer & Haroun, LLP
317 Madison Avenue
Suite 910
New York, New York 10017

In re Application of	:
LEVINE, Alex et al.	: DECISION ON
US Application No.: 10/398,951	:
PCT Application No.: PCT/US01/31759	: REQUEST
Int. Filing Date: 10 October 2001	:
Priority Date: 10 October 2000	: UNDER
Attorney's File Reference: 901-004us	:
For: A PERSONAL MESSAGE DELIVERY SYSTEM	: 37 CFR 1.42
	:

This decision is in response to applicants' "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS", filed 01 December 2003, which is being treated as a request under 37 CFR 1.42 requesting acceptance of the application in the name of the executor of the estate of deceased co-inventor Carlo Martino.

BACKGROUND

On 10 October 2001, applicants filed international application number PCT/US01/31759 claiming a priority date of 10 October 2000. Accordingly, the 30-month time period for entering the US national stage under 35 USC 371 expired at midnight on 10 April 2003.

On 10 April 2003, applicants filed a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)" along with, inter alia, the basic national fee and an unexecuted declaration.

On 24 June 2003, the US Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements indicating that the applicants were required to provide a properly executed oath or declaration, along with the $65 surcharge required under 37 CFR 1.492(e) for providing the oath or declaration later than 30 months from the priority date, within the time period set in the notification.

On 01 December 2003, applicants filed the present "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS" which is accompanied by, inter alia, three declarations and the $65 surcharge required under 37 CFR 1.492(e). The declarations include the signatures of all of the inventors except that of the apparently deceased inventor Carlo Martino (Martino). One of the declarations includes the handwritten name and signature of the executor of the estate of

Carlo Martino but does not include the citizenship, residence, and mailing address of the executor.

DISCUSSION

37 CFR 1.497(b)(2) states in part:

> If the person signing the oath or declaration 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.

The declaration including the name of the executor of the estate of Carlo Martino does not also include the citizenship, residence, and mailing address of the executor. In addition, the name of the executor indicated on the declaration appears to be PW Merner but the name is handwritten and is somewhat unclear. The applicants are required to provide a declaration 1) clearly indicating the name of the executor of the estate of Carlo Martino and 2) including the citizenship, residence, and mailing address of the executor in accordance with 37 CFR 1.497(b)(2).

CONCLUSION

For the above reasons, applicants' request under 37 CFR 1.42 is **DISMISSED** without prejudice.

If reconsideration on the merits of this request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. This time period for response may be extended under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled 'Renewed Request Under 37 CFR 1.42." No additional petition fee is required. Failure to timely file the proper response will result in **ABANDONMENT** of the application.

Any further correspondence with respect to this matter deposited with the United States Postal Service 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.

Diana L. Oleksa
Special Programs Examiner
PCT Special Programs Office
Telephone: 703-308-0890

Boris Milef
PCT Legal Examiner
PCT Legal Office

28 JUL 2004
UNITED STATES PATENT AND TRADEMARK OFFICE

#6

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

Joseph Sofer, Esq.
Sofer & Haroun, LLP
317 Madison Avenue
Suite 910
New York, New York 10017

In re Application of	:
LEVINE, Alex et al.	: DECISION ON
US Application No.: 10/398,951	:
PCT Application No.: PCT/US01/31759	: REQUEST
Int. Filing Date: 10 October 2001	:
Priority Date: 10 October 2000	: UNDER
Attorney's File Reference: 901-004us	:
For: A PERSONAL MESSAGE DELIVERY SYSTEM	: 37 CFR 1.42

This decision is in response to applicants' "RENEWED REQUEST UNDER 37 CFR 1.42", filed 14 May 2004, requesting acceptance of the application in the name of the legal representative and executor of the estate of deceased co-inventor Carlo Martino (Martino).

BACKGROUND

On 25 March 2004, this Office issued a decision dismissing applicants' petition under 37 CFR 1.42. The decision indicated that the applicants were required to provide a declaration 1) clearly indicating the name of the executor of the estate of Martino and 2) including the citizenship, residence, and mailing address of the executor in accordance with 37 CFR 1.4907(b)(2).

On 14 May 2004, applicants filed the present "RENEWED REQUEST UNDER 37 CFR 1.42" which is accompanied by a declaration executed by the "legal representative and executor" of the estate of Martino, Peter W. Merner (Merner). The declaration clearly indicates the name of legal representative Merner and also indicates his citizenship, residence, and mailing address.

DISCUSSION

The declaration filed 14 May 2004 is acceptable under 37 CFR 1.42 and 1.497.

CONCLUSION

For the above reasons, applicants' request under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the US national stage processing division of the Office of PCT Operations for further processing in accordance with this decision including according the application the 371(c)(1), (c)(2) and (c)(4) date of 14 May 2004.

Diana L. Oleksa
Special Programs Examiner
PCT Special Programs Office
Telephone: 703-308-0890

Leonard Smith
PCT Legal Examiner
PCT Legal Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/2/2008

TO SPE OF : ART UNIT 1600 (1645)

SUBJECT : Request for Certificate of Correction on Patent No.:7,291,722

Attn: Padma Baskar

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

Please complete this form and forward within **7** days to: **Scanning customer Support**

Send copy also via PTO mail to:
Certificates of Correction Branch – 2900 South Tower 9A39A
Palm location **7580** - Tel. No. 308-8309

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

***Ok to enter change to claim 7 as req. in COCIN?**

Ernest C. White, LIE - 308-9390x122
Certificates of Correction Branch

Thank You For Your Assistance

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

X Approved
All changes apply.

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

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

Comments:

_____

_____

_____

_____

_____

10 JUN 2005

#6

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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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Mark Joy
Leydig, Voit & Mayer, LTD
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, IL 60601-6780

In re Application of :
DICKINSON, et al. :
Application No.: 10/398,967 : DECISION ON PETITION
PCT No.: PCT/GB01/04548 :
Int. Filing Date: 11 October 2001 : UNDER 37 CFR1.181
Priority Date: 14 October 2000 :
Attorney Docket No.: 221751 :
For: INTRAVASCULAR ULTRASONIC :
CATHETER ARRANGEMENTS :

This decision is in response to applicant's petition for revival of the present international application pursuant to 37 CFR 1.137(b) filed 17 December 2004 in the United States Patent and Trademark Office (USPTO). For the reasons discussed below the petition is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment. No petition fee is required.

BACKGROUND

On 11 October 2001, applicant filed international application PCT/GB01/04548 which claimed priority to a previous British application filed 14 October 2000. Pursuant to 37 CFR 1.495, the deadline for submitting payment of the U.S. Basic National fee was to expire at midnight on 14 April 2003.

On 11 April 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); an application data sheet and a First preliminary amendment.

On 15 July 2003, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors was required, as well as, payment of the surcharge for providing an executed oath or declaration later than thirty months from the earliest claimed priority date. Applicant was afforded two months to file a proper response.

On 18 October 2004, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) informing application that the present application was abandoned as to the

National stage in the United States for failure to respond to the "Notice of Missing Requirements" mailed on 15 July 2003.

On 06 December 2004, applicant filed the present petition under 37 CFR 1.181 to withdraw the holding of abandonment.

DISCUSSION

As detailed in Official Gazette notice 1156 OG 53 and the Manual of Patent Examining Procedure 711.03(c), a petition under 37 CFR 1.181 requesting relief based upon non-receipt of an office action must be accompanied by:

> A statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Applicant has provided a statement that the Office Action was not received and that a review of the docket record does not show indicate that the Form PCT/DO/EO/905 was not received. In addition, applicant has included pages from the firm's docketing record. However, applicant has not provided a statement that a search of the file jacket shows that the "Notice of Missing Requirements" was not received. In addition, while applicant has provided pages from the docket record, it is unclear whether these pages cover the entire period for where an Office action mailed on 15 July 2003 would be docketed. An explanation as to the docketing procedure and confirmation that these pages supplied accurately reflect where the Office action would have been docketed if it were received would be helpful.

As this matter is being treated under 37 CFR 1.181 rather than 37 CFR 1.137(b), no petition fee will be charged to Deposit Account No.: 12-1216.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **DISMISSED without prejudice**.

This application remains abandoned as to the United States of America.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.181."

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: (571) 272-3294
Fax: (571) 273-0459

11 AUG 2005

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

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Mark Joy
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Two Prudential Plaza, Suite 4900
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Chicago, IL 60601-6780

In re Application of
DICKINSON, et al.
Application No.: 10/398,967
PCT No.: PCT/GB01/04548
Int. Filing Date: 11 October 2001
Priority Date: 14 October 2000
Attorney Docket No.: 221751
For: INTRAVASCULAR ULTRASONIC CATHETER ARRANGEMENTS

DECISION ON RENEWED PETITION UNDER 37 CFR1.181

This decision is in response to applicant's "Renewed Petition to Withdraw Holding of Abandonment Based on Failure to Receive Notification of Missing Requirements Under 37 C.F.R. § 1.181(a)" filed 03 August 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 June 2005, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181. Applicant was afforded two months to file any request for reconsideration.

On 03 August 2005, applicant filed the present renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment.

DISCUSSION

As detailed in Official Gazette notice 1156 OG 53 and the Manual of Patent Examining Procedure 711.03(c), a petition under 37 CFR 1.181 requesting relief based upon non-receipt of an office action must be accompanied by:

A statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Applicant previously satisfied item (1) in providing a statement that the Office Action was not received. Applicant has currently provided statements attesting that searches of the file jacket and the docket record do not show any indication that the Office action mailed 15 July 2003 was

ever received. In addition, applicant has provided a copy of the relevant docket record for the firm for the time period in question. As such, it is proper to grant applicant's renewed petition at this time to withdraw the holding of abandonment.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The "Notification of Abandonment" mailed 18 October 2004 is hereby **VACATED**.

The application has an international filing date of 11 October 2001 under 35 U.S.C. 363, and will be given a date of **17 December 2004** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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17 JUL 03

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Alston & Bird LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

In re Application of LADISLAS et al	:	
U.S. Application No.: 10/398,968	:	
PCT Application No.: PCT/BR01/00115	:	
Int. Filing Date: 11 September 2001	:	DECISION
Priority Date Claimed: 11 September 2000	:	
Attorney Docket No.: 033794/261995	:	
For: COMPOSITION OF VITAMIN C AND/OR VITAMIN A	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 11 April 2003.

BACKGROUND

On 11 September 2001, applicant filed international application PCT/BR01/00115, which claimed priority of an earlier France application filed 11 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 11 March 2003.

International application PCT/BR01/00115 became abandoned as to the United States for failure to timely file the requisite basic national fee under 35 U.S.C. 371.

On 11 April 2003, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable

petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required basic national fee under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be submitted.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

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JAN 1 8 2005

MAILED

JAN 1 8 2005

OFFICE OF THE DIRECTOR
TC 3600

LEE M. PETERSON
701 Sterling South
Maplewood, MN 55119

In re application of
Lee M. Peterson
Application No. 10/398,969 :
Filed: April 11, 2003 :
For: CONTINUOUS ADVERTISING :
MEDIUM AND MEDIUM DISPLAY DEVICE

DECISION ON REQUEST
FOR WITHDRAWAL OF
ATTORNEY

This is a decision on the request filed on September 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 as MOOT**.

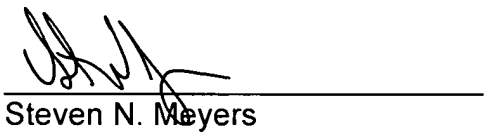
Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;

B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and

C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved as moot because the attorney making the request; Robert C. Freed, does not now have, and apparently never has had, power of attorney in this application. There is no record of power of attorney ever being given to the attorney making the request only a correspondence address.



Steven N. Meyers
Special Programs Examiner
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(703) 308-3868

SNM/pav: 01/07/05

ROBERT C. FREED
2900 Wells Fargo Center
90 South Seventh Street
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25 AUG 2004

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Philip S. Johnson
JOHNSON & JOHNSON
International Law Division
P.O. Box 1222
New Brunswick, NJ 08903

In re Application of:	:	
MOERMAN, Piet, et al.	:	
U.S. Application No.: 10/398,984	:	DECISION
PCT No.: PCT/GB02/03772	:	
International Filing Date: 16 August 2002	:	
Priority Date: 16 August 2001	:	
Attorney's Docket No.: DD10019-USNP	:	
For: IN-SITU ADAPTER FOR A TESTING DEVICE	:	

This decision is issued in response to applicants' "Response To Notification Of Abandonment" filed 17 May 2004 and treated herein as a petition to withdraw the holding of abandonment under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 16 August 2002, applicants filed international application PCT/GB02/03772 which claimed a priority date of 16 August 2001 and which designated the United States. On 27 February 2003, 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., 16 February 2004.

On 03 April 2003, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment for the basic national fee.

On 11 August 2003, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements indicating that an oath or declaration in compliance with 37 CFR 1.497 and additional claims fee were required.

On 23 December 2003 and again on 08 March 2004, applicants filed inquiries as to the status of the present application

On 30 April 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment (Form PCT/DO/EO/909), indicating that the application was abandoned based on applicants' failure to file a response to the Notification Of Missing Requirements.

On 17 May 2004, applicants filed the petition considered herein. The petition asserts that applicant did not receive the originally mailed Notification Of Missing Requirements, and that the holding of abandonment should therefore be withdrawn.

DISCUSSION

The application file contains what appears to be the original Notification Of Missing Requirements mailed by the USPTO. This Notification bears a receipt stamp from a different law firm, and was apparently returned to the USPTO by such law firm. This supports applicants' assertion here that the Notification Of Missing Requirements was not received by applicants. Based on the application file, applicants' statements in the present petition, and the materials attached to the present petition, it is concluded that the Notification Of Missing Requirements mailed 11 August 2003 was not received by applicants.

The Notification Of Abandonment mailed 30 April 2004, based as it was on applicant's purported failure to file a response to the Notification Of Missing Requirements, is appropriately vacated.

It is noted that the executed declaration and fee authorization included with the present submission satisfy the requirements set forth in the Notification Of Missing Requirements, so the mailing of a new Notification Of Missing Requirements is not required.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **GRANTED**. The Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 11 August 2003 is considered not to have been received by applicants.

The Notification Of Abandonment mailed 30 April 2004 is hereby **VACATED**.

This application is being returned 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 17 May 2004.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

10 MAR 2004

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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Ladas & Parry
5670 Wilshire Boulevard
Suite 2100
Los Angeles, CA 90036-5679

In re Application of	:	
POSTMES, Theodore Justin Louis et al.	:	
Application No.: 10/398,990	:	DECISION ON
PCT No.: PCT/NL01/00754	:	
Int. Filing Date: 12 October 2001	:	REQUEST
Priority Date: 13 October 2000	:	
Attorney's Docket No.: B-5052PCT 620883-4	:	UNDER 37 CFR 1.42
For: COMPOSITION WITH A ...	:	
TREATMENT OF WOUNDS	:	

This decision is in response to applicant's submission of a declaration under 35 USC 371 filed in the United States Patent and Trademark Office on 03 December 2003. The declaration includes an indication that sole inventor Theodore Justin Louis Joseph Postmes is deceased. It has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 12 October 2001, applicant filed international application PCT/NL01/00754, claiming a priority date of 13 October 2000. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 18 April 2002. The deadline for entry into the national stage in the United States was 14 April 2003 (13 April 2003 was a Sunday).

On 11 April 2003, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 13 August 2003, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 03 December 2003, applicant submitted an executed declaration accompanied by the fee for a two month extension of time.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to 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." 37 CFR 1.42.

In this case, the declaration is executed by the legal representative for the deceased inventor and it provides the necessary information for the deceased inventor and the legal representative. The declaration complies with both 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application has an international filing date of 12 October 2001 under 35 U.S.C. §363 and a date of 03 December 2003 under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4). This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.

Boris Milef
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

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K&L GATES LLP
STATE STREET FINANCIAL CENTER
ONE LINCOLN STREET
BOSTON, MA 02111-2950

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SEP 14 2009

OFFICE OF PETITIONS

NOTICE

In re Patent No. 6,960,160 :
Issue Date: November 1, 2005 :
Application No. 10/398,992 :
Filed: April 11, 2003 :
Attorney Docket No. MPA-001 :

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

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

Your fee deficiency submission under 37 CFR 1.28 is hereby **NOT ACCEPTED.**

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

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BOSTON MA 02111-2950

MAILED

JAN 14 2010

OFFICE OF PETITIONS

In re Patent No. 6,960,160 :
Issue Date: November 1, 2005 :
Application No. 10/398,992 : NOTICE
Filed: April 11, 2003 :
Attorney Docket No. MPA-001 :

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

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

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

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Diane C. Goodwyn at (571) 272-6735.

for Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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0 8 SEP 2003

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12702 Via Cortina, Suite 100
Del Mar, CA 92014

In re Application of	:	
Sunalp et al.	:	
Application No. 10/398,996	:	DECISION ON
Filing Date: 04 April 2003	:	
Atty. Docket No.: 2769-PAT	:	PETITION UNDER
For: A Temporary Refractive Intraocular	:	
Lens And Methods Of Use	:	37 CFR 1.137(b)

This is in response to the petition under 37 CFR 1.137(b) filed on 04 April 2003.

BACKGROUND

International application number PCT/US01/09443 was filed on 26 March 2001 and claimed priority of an application filed on 24 March 2000. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 24 September 2002. The international application became abandoned with respect to the United States for failure to timely pay the required basic national fee.

On 04 April 2003, applicants filed the instant petition.

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.
>
> To clearly indicate an international application is being filed under 35 U.S.C. 371 the applicant should use the "Transmittal Letter for United States Designated Office" (Form PTO-1390) as the transmittal letter.

Alternatively, one of the following indications may be used:

1) the applicant shall clearly state in the transmittal or cover letter that he or she is filing under 35 U.S.C. 371 or entering the national stage under PCT; or

2) the applicant clearly identifies in the oath or declaration the specification to which it is directed by referring to a particular international application by PCT Serial Number and International Filing Date and that he or she is executing the declaration as, and seeking a U.S. Patent as, the inventor of the invention described in the identified international application.

Applicants' transmittal letter filed 04 April 2003 indicated that the papers were being filed as a "New Application Transmittal" and that the papers enumerated therein were "required for filing date under 37 C.F.R. § 1.53(b)(Regular) or 37 C.F.R. § 1.53 (Design) Application." The "Fee Calculation" part of the transmittal letter indicates that a "Regular application" fee under 37 CFR 1.16(a) is being paid. The accompanying "Fee Transmittal for FY 2002" sheet refers to the filing fee being paid as a "Utility filing fee." Meanwhile, on the accompanying declaration of the inventors, the box for an "original" application rather than a "national stage of PCT" is marked, and priority of international application PCT/US01/09443 under 35 U.S.C. 119 is claimed. These facts serve as indicia that the application was intended to be filed under 35 U.S.C. 111 (a). In view of these instructions, there was no clear indication that the papers were filed under 35 U.S.C. 371 rather than 35 U.S.C. 111 (a). As such, the papers should properly be processed as an application filed under 35 U.S.C. 111 (a). Accordingly, the instant petition under 37 CFR 1.137(b) is regarded as a petition to revive international application PCT/US01/09443 for purposes of co-pendency with this U.S. utility patent application.

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 required reply in the form of the filing of an application under 35 U.S.C. 111(a) accompanied the petition. This application under 35 U.S.C. 111(a) is a continuation of the international application, as reflected in the amendment filed on 04 August 2003.

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** for the purpose of establishing co-pendency between international application PCT/US01/09443 and instant application number 10/398,996, filed under 35 U.S.C. 111(a). Co-pendency having been established, international application PCT/US01/09443 is again **ABANDONED** with respect to the United States.

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

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

14 APR 2004

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Jay H. Maioli Esq
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

In re Application of
Hisashi Hanzawa (Deceased)
Application No.: 10/399,003
PCT No.: PCT/JP02/08327
Int. Filing Date: 16 August 2002
Priority Date: 21 August 2001
Attorney Docket no.: 7217/67667
For: STORAGE MEDIUM CONVEY APPARATUS AND CONVEY METHOD AND RECORDING AND/OR REPRODUCTION APPARATUS

DECISION ON

REQUEST

UNDER 37 CFR 1.42

This is a decision on applicant's Response to Notification of Missing Requirements filed in the United States Patent and Trademark Office (USPTO) on 03 March 2004 and is being treated as a request under 37 CFR 1.42. Applicant also requests a five month extension of time, which is granted.

BACKGROUND

On 10 April 2003, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 11 August 2003, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b) was required.

On 03 March 2004, applicant filed a response to the Notification submitting a declaration signed by inventorTaizo Ogawa and identifying Kazuko Hanzawa as the executor of the will of deceased inventor, Hisashi Hanzawa.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal

representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative. The declaration must also state the citizenship, residency and last mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).

Although the declaration identifies Kazuko Hanzawa as the executor of the will of deceased inventor Hisashi Hanzawa, the declaration is defective because it does not state the country of citizenship, former residency and mailing address for both the deceased inventor and the legal representative, as required for compliance with 37 CFR 1.497. Furthermore, the declaration is not signed by the legal representative on behalf of the deceased inventor. Thus, the declaration is not in compliance with 37 CFR 1.497 and 1.64.

What is required is a declaration executed by Kazuko Hanzawa, identified as legal representative (executor) for deceased inventor Hisashi Hanzawa. The declaration must provide the legal representative's citizenship, residency and mailing address and state the citizenship, residency and mailing address of the deceased inventor on the declaration. The declaration must also identify the inventors as listed on the international application publication.

Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE.**

Applicant is required to correct the above-noted defects including the furnishing of a oath/declaration in compliance with 37 CFR 1.42 and 1.497 within **TWO (2) MONTHS** from the mail date of this Decision.

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.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (703) 306-5467

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Jay H. Maioli, Esq.
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In re Application of
Hisashi Hanzawa (Deceased)
Application No.: 10/399,003
PCT No.: PCT/JP02/08327
Int. Filing Date: 16 August 2002
Priority Date: 21 August 2001
Attorney Docket no.: 7217/67667
For: STORAGE MEDIUM CONVEY APPARATUS AND CONVEY METHOD AND RECORDING AND/OR REPRODUCTION APPARATUS

DECISION ON

REQUEST

UNDER 37 CFR 1.42

This is a decision on applicant's submission under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 15 October 2004. Applicant also requests a four month extension of time, which is granted.

BACKGROUND

On 10 April 2003, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 11 August 2003, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b) was required.

On 03 March 2004, applicant filed a response to the Notification submitting a declaration signed by inventor Taizo Ogawa and identifying Kazuko Hanzawa as the executor of the will of deceased inventor, Hisashi Hanzawa.

On 14 April 2004, a decision dismissing applicant's petition was mailed indicating that the declaration was defective because it did not state the country of citizenship, former residency and mailing address for both the deceased inventor and the legal representative, as required for compliance with 37 CFR 1.497.

On 15 October 2004, applicant submitted a newly executed declaration.

DISCUSSION

Applicant has now provided a declaration executed by Kazuko Hanzawa, which identifies him as the executor of the estate of deceased inventor Hisashi Hanzawa. The declaration provides the legal representative's citizenship, residency and mailing address, states the citizenship, residency and mailing address for both the deceased inventor and the executor

on the declaration and identifies the joint inventor.

Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED.**

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date is **15 October 2004.**

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286

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United States Patent and Trademark Office
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Paper No. *

WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036

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OFFICE OF PETITIONS

In re Application of :
Barlaam et al. :
Application No. 10/399,010 : DECISION ON PETITION
National Stage Entry Date: April 10, 2003 : UNDER 37 CFR 1.78(a)(6)
U.S., International Filing Date: October 10, 2001 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed April 21, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **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 national stage application has a U.S. filing date of October 10, 2001, which is within twelve months of the filing dates of the prior-filed provisional applications Nos. 60/239,694, and 60/240,251 filed, respectively, on October 12, 2000, and October 13, 2000, for which priority is claimed. A reference to the prior-filed provisional applications has been included in an amendment to the first sentence of the specification following the title.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Also, the reference to the prior-filed provisional application was submitted during the pendency of the nonprovisional application for which the benefit is sought. *See* 35 U.S.C. §119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. §119(e), the petition to accept an unintentionally delayed claim of benefit to prior-filed provisional Application Nos. 60/239,694 and 60/240,251 is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571)272-3217.

The application is being brought to the attention of Technology Center AU 1625 for appropriate action on the amendment submitted April21, 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. 60/239,694, and 60/240,251.

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

ATTACHMENT: Corrected Filing Receipt

SCANI **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/12/08 Paper No.: _____

TO SPE OF : ART UNIT 1625 Andres Janet (spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/399010 Patent No.: 7226945

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

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

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

HENRY RANDALL
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

_____

_____

_____

_____

_____ SPE

1625 Art Unit

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FENSTER & COMPANY
INTELLECTUAL PROPERTY 2002 LTD.
C/O REED SMITH LLP
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK, NY 10022-7650

DEC 2 2005

In re Application of:
BENZION LANDA *et al.*
Serial No.: 10/399,024
Filed: April 10, 2003
Attorney Docket No.: **UEH**

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney/agent of record under 37 C.F.R. § 1.36, filed March 11, 2005.

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 William H. Dippart, on behalf of himself and all the attorneys/agents listed in the request for withdrawal. There is no outstanding Office action at this time.

The request is **APPROVED**.

All future communications from the Office will be directed to address associated with customer number 22879, at the below 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: HEWLETT PACKARD COMPANY
P.O. BOX 272400, 3404 E. HARMONY ROAD
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FORT COLLINS, CO 80527-2400

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OFFICE OF PETITIONS

In re Application of
Benzion Landa, et al.
Application No. 10/399,024
Filed: September 25, 2003
Attorney Docket No. UEH

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed February 17, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before January 23, 2006. This decision precedes the mailing of a Notice of Abandonment. On February 17, 2006, the present petition was filed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, the signature of William J. Breen, III appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts in accordance with 37 CFR 1.34(a). It is further noted that, while the correspondence address of record is to that of the assignee, there is no attorney of record at this time.

The petition satisfies the requirements of 37 CFR 1.137(b) in that the petitioner has supplied (1) the reply in the form of the requisite issue/publication fee; (2) the petition fee of $1500; and (3) an adequate statement of unintentional delay[1].

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

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[1] While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

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

15 JUN 2006
United States Patent and Trademark Office

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE WA 98104-7092

In re Application of	:	
Nilsen et al.	:	
Application No.: 10/399,026	:	DECISION
PCT No.: PCT/GB01/04509	:	
Int. Filing Date: 10 October 2001	:	ON
Priority Date: 10 October 2000	:	
Attorney Docket No.: 150081.401	:	PETITION
For: Shrimp Alkaline Phosphate	:	

This is in response to the petition under 37 CFR 1.137(b) filed on 09 June 2005.

BACKGROUND

This international application was filed on 10 October 2001, claimed an earliest priority date of 10 October 2000, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 18 April 2002. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 10 April 2003. Applicants filed *inter alia* the basic national fee on 09 April 2003.

On 20 June 2003, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b), a surcharge under 37 CFR 1.492(e), an initial or substitute computer readable form ("CRF") of the "Sequence Listing," an initial or substitute paper or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

On 15 August 2003, applicants filed a response.

On November 03, 2003, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicants, requiring the submission of an initial or substitute paper or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification and noting that the copy which had been submitted was found to be defective.

On 23 January 2004, applicants filed a response.

On 26 March 2004, a Notification of Defective Response Abandonment (Form PCT/DO/EO/918) was mailed to applicants, indicating that this international application had become abandoned with regard to the national stage in the United States for failure to timely reply to the Notification of Missing Requirements mailed on 20 June 2003.

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 required reply in the form of an initial or substitute paper or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification the basic national fee has been filed. Therefore, requirement (1) has been satisfied.

Regarding requirement (2), the petition fee has been paid.

Regarding requirement (3), the petition includes an appropriate statement of unintentional delay.

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**.

This application is being forwarded to the National Stage Processing Branch for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **15 August 2003** (the date that declaration of the inventors satisfying 35 U.S.C. 371(c)(4) was filed).

Leonard E Smith

for Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

George M. Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

02 AUG 2005

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

In re Application of	:	
DEPELSENAIRE et al	:	DECISION ON
Application No.: 10/399,031	:	
PCT No.: PCT/EP01/11928	:	
Int. Filing Date: 16 October 2001	:	PETITION UNDER
Priority Date: 17 October 2000	:	
Attorney Docket No.: 236161US0PCT	:	
For: PROCESS FOR RENDERING SLUDGES INERT	:	37 CFR 1.181
	:	

This decision is in response to the "REQUEST TO CORRECT FILING DATE" received 07 January 2005, which is being treated as a petition under 37 CFR 1.181 requesting that the executed Declaration was properly filed in the international stage for the above application.

BACKGROUND

On 16 April 2003, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), a copy of the international application. Applicants, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because no executed Declaration or Oath was provided with the transmittal letter.

On 01 July 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 1.47(a) and (b), identifying the application by the International application number and international filing date. The notice also indicated that the items above must be submitted within two (2) months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

In response to the "NOTIFICATION OF MISSING REQUIREMENTS" mailed on 01 July 2003, on 02 September 2003, applicants filed a second transmittal accompanied by, inter alia, a copy of the executed declaration that was filed under Rule 4.17.

On 22 September 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) which indicated a date of 02 September 2003 under 35 USC 371(c)(1), (c)(2), and (c)(4).

On 07 July 2005, applicants filed the instant petition stating the declaration was timely submitted on April 16, 2003 since it was filed with the International Application as evidenced by the copy of the date-stamped filing receipt and copies of the International Application published under the Patent Cooperation Treaty.

DISCUSSION

A review of the file reveals that the USPTO has received the executed Declaration submitted under PCT Rule 4.17.

Accordingly, the "NOTIFICATION OF MISSING REQUIREMENTS" mailed on 01 July 2003 was in error.

DECISION

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

The "NOTIFICATION OF MISSING REQUIREMENTS" mailed on 2004, is **VACATED** with the mailing of this decision.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 22 September 2003 is **VACATED** with the mailing of this decision.

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 **16 April 2003.**

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

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NEW YORK, NY 10171

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OFFICE OF PETITIONS

In re Application of :
Peter Antony Farrar et al :
Application No. 10/399,052 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. CPG 03-13 DB :

This is a decision on the petition filed February 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 formal drawings in a timely manner in reply to the Notice Regarding Drawings mailed October 25, 2006, which set a period for reply of two (2) months. Accordingly, the above-identified application became abandoned on December 26, 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 formal drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received.

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

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

15 MAR 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mark D. Wieczorek
c/o Mayer Fortkort & Williams
251 North Avenue West, 2nd Floor
Westfield, NJ 07090

COPY MAILED
22 MAR 2004

In re Application of	:	
Hünig et al.	:	
Application No. 10/399,056	:	DECISION ON
PCT No.: PCT/DE01/03802	:	
Int. Filing Date: 28 September 2001	:	PETITION UNDER
Priority Date: 11 October 2000	:	
Atty. Docket No.: 00140/008001	:	37 CFR 1.137(b)
For: Use Of CD-28-Specific Monoclonal	:	
Antibodies For Stimulating Blood	:	
Cells That Lack CD28	:	

This is in response to the petition under 37 CFR 1.137(b) filed on 23 December 2003.

BACKGROUND

This international application was filed on 28 September 2001, claimed an earliest priority date of 11 October 2000, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 18 April 2002. 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 11 April 2003.

On 04 December 2003, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants, indicating that this international application had become abandoned with respect to the United States for failure to timely 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), a credit card payment form (Form PTO-2038) for the $460.00 small entity basic national fee accompanied the petition.

Regarding requirement (2), a credit card payment form (Form PTO-2038) for the $665.00 small entity 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.

With regard to the translation of the international application, it is noted that translated drawings have not been filed. Specifically, the drawings include extensive German language text. Therefore, in order to complete the translation of the international application, translated drawings are required. *See* PCT Rule 49.5(d), which provides that "If any drawing contains text matter, the translation of that text matter shall be furnished either in the form of a copy of the original drawing with the translation pasted on the original text matter or in the form of a drawing executed anew."

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, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of a translation of the international application (per the above discussion of the drawings), a surcharge under 37 CFR 1.492(e), and a processing fee under 37 CFR 1.492(f).

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

18 NOV 2003

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SAMSONITE CORPORATION
11200 East 45th Avenue
Denver, CO 80239

In re Application of :
KING, William *et al* :
U.S. Application No.: 10/399,059 :
PCT No.: PCT/US01/31974 : **DECISION ON**
Int. Filing Date: 10 October 2001 : **PETITION**
Priority Date: 11 October 2000 : **UNDER 37 CFR 1.47(a)**
Attorney Docket No.: P64942 :
For: HYBRID CONSTRUCTION FOR A :
LUGGAGE CASE :

This is a decision on the petition under 37 CFR 1.47(a) filed 25 September 2003.

BACKGROUND

On 13 August 2003, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 indicating that an oath/declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee must be provided. Applicants were given two months to respond.

On 25 September 2003, applicants submitted a response which was accompanied by, *inter alia*, the instant petition; a declaration signed by one of the two joint inventors; a $130.00 surcharge fee; a declaration by Gregory W. O'Conner; a copy of a letter dated 04 December 2001; a copy of an employment agreement; and a copy of a letter dated 18 December 2001.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the required petition fee; (2) factual proof that the missing joint inventor refuses to execute the application or cannot be found or reached after diligent effort; (3) a statement of the last known address of the missing joint inventor; (4) and an oath or declaration executed by the signing joint inventor on his behalf and on behalf of the non-signing joint inventor. Applicants failed to satisfy item (2).

With regard to item (3), the 37 CFR 1.47(a) applicant satisfies this requirement by listing the last known address of the nonsigning co-inventor, Edward F. Wholley, as:

57 Hickory Drive
Raynham, MA 02767

Regarding item (4), the 37 CFR 1.47(a) applicant submitted a declaration signed by William L. King for himself and on behalf of the nonsigning joint inventor. Both inventors' names, residences, post office addresses and citizenship are typed on this declaration as required by section 409.03(a) of the MPEP. The declaration is also in compliance with 37 CFR 1.497(a) & (b).

Hence, items (3) and (4) of 37 CFR 1.47(a) are satisfied.

However, the $130.00 petition fee has not been paid and authorization to charge this fee has not been provided in the instant petition or the original transmittal letter. Therefore, item (1) of 37 CFR 1.47(a) is not complete.

Concerning item (2), the 37 CFR 1.47(a) applicant claims that Mr. Wholley refuses to sign the declaration in the above-captioned application. Petitioner claims that the reason for the refusal is that Mr. Wholley attempted to obtain compensation in return for his signature. Petitioner maintains that the nonsigning joint inventor is obligated to assist Samsonite in obtaining patent protection by the terms of his employment contract dated 20 May 1999. Petitioner included a copy of a cover letter dated 04 December 2001 indicating that a complete copy of the international application was provided. Petitioner also included a copy of a cover letter dated 18 December 2001.

However, these alleged refusals occurred too far back to constitute a continuing refusal. Petitioner must attempt to obtain Mr. Wholley's signature for the present national stage application. Circumstances may have changed. Petitioner must also demonstrate that Mr. Wholley has been presented with a complete copy of the national stage application, including specifications, claims and drawings before the granting of a petition under 37 CFR 1.47(a). *See* 409.03(d) MPEP. For these reasons, item (2) of 37 CFR 1.47(a) is not yet satisfied.

Accordingly, it is not appropriate to accept this application under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required. Extensions of time are available.

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.: (703) 308-6457

09 MAR 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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SAMSONITE CORPORATION
11200 East 45th Avenue
Denver, CO 80239

In re Application of :
KING, William *et al* :
U.S. Application No.: 10/399,059 :
PCT No.: PCT/US01/31974 : **DECISION ON**
Int. Filing Date: 10 October 2001 : **RENEWED PETITION**
Priority Date: 11 October 2000 : **UNDER 37 CFR 1.47(a)**
Attorney Docket No.: P64942 :
For: HYBRID CONSTRUCTION FOR A :
LUGGAGE CASE :

This is a decision on applicants' "Response to Decision on Petition under 37 CFR 1.47(a)" filed on 15 January 2004.

BACKGROUND

On 18 November 2003, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed because applicants failed to satisfy items (1) and (2) of 37 CFR 1.47(a). Applicants were given two months to respond.

On 15 January 2004, applicants filed the instant renewed petition which was accompanied by, *inter alia*, a copy of documents sent to the nonsigning joint inventor on 25 November 2003 with certified mail receipts and authorization to charge the petition fee to counsel's Deposit Account.

DISCUSSION

In the original petition, applicants did not pay the petition fee or provide an adequate showing that the nonsigning joint inventor refuses to cooperate in the above-captioned national stage application. Petitioners were requested to try to obtain Mr. Edward F. Wholley's signature for the present application and demonstrate that the nonsigning joint inventor has been presented with a complete copy of the application, including specifications, claims and drawings.

In the response, applicants submitted authorization to charge the $130.00 petition fee to Deposit Account No. 19-0078. Therefore, item (1) of 37 CFR 1.47(a) is complete.

Concerning item (2), the 37 CFR 1.47(a) applicants submitted a copy of the correspondence sent to the nonsigning joint inventor on 26 November 2003. In the cover letter, a reply was requested to be provided no later than 20 December 2003.

Counsel attests that "to date, no response has been received." Copies of the letters, application and certified mail receipts were included in the renewed petition.

A review of the evidence presented shows that the documents were delivered to the last known address of Mr. Wholley on 02 December 2003. A complete copy of the application was included with those documents along with a request to respond by 20 December 2003. No response has been received by applicants. This evidence is sufficient to show a refusal to cooperate in the above-captioned application and meets the requirements of section 409.03(d) of the MPEP. Thus, item (2) of 37 CFR 1.47(a) is now satisfied.

All the requirements of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 10 October 2001 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 15 January 2004.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known address of record and will be published in the Official Gazette.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

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United States Patent and Trademark Office
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BROMBERG & SUNSTEIN LLP
125 SUMMER STREET
BOSTON MA 02110-1618

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APR 25 2005

OFFICE OF PETITIONS

In re Application of :
Brown, et al. :
Application No. 10/399,064 : ON PETITION
Filed: April 10, 2003 :
Attorney Docket No. 2775/102 :
For: RADIOTHERAPY APPARATUS

This is a decision on the petition under 37 CFR 1.137(b), filed on January 13, 2005 (certificate of mailing date January 11, 2005), to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the April 6, 2004 non-final Office action which set an extendable three (3) month period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on July 7, 2004. A Notice of Abandonment was mailed on October 20, 2004.

Applicants have submitted an amendment in reply to the April 6, 2004 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the April 6, 2004 non-final Office action, and the petition fee.

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center 2800's technical support staff for entry of the amendment filed on January 13, 2005 (certificate of mailing date January 11, 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

12 AUG 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

#4

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

George W. Neuner
Edwards & Angell, LLP
P.O. Box 9169
Boston, MA 02209

In re Application of	:	
Wilberg et al.	:	
Application No. 10/399,066	:	DECISION ON
PCT No.: PCT/EP00/09062	:	
Int. Filing Date: 16 September 2000	:	PETITION UNDER
Priority Date: 12 October 1999	:	
Atty. Docket No.: 58841 (70301)	:	37 CFR 1.137(b)
For: Bone Screw	:	

This is in response to the petition under 37 CFR 1.137(b) filed on 10 April 2003.

BACKGROUND

This international application was filed on 16 September 2000, claimed an earlier priority date of 12 October 1999, and designated the U.S. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. On 19 April 2001, the International Bureau transmitted a copy of the published international application to the USPTO. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 12 April 2002. 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 petition was accompanied by the basic national fee.

Regarding requirement (2), the petition was accompanied by the petition fee.

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**.

This application is being forwarded to the National Stage Processing Branch for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventors and an English translation of the international application.

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

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

Date : January 9, 2007

Patent No. : 7,087,448 B2
Inventor(s) : Corbett
Issued : August 8, 2006
Title : **SINGLE FREQUENCY LASER**
Docket No. : BTOMK 1029890

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

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

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

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

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

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

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

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

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Elisha Evans
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308-

GORDON & REES LLP
101 WEST BROADWAY
SUITE 1600
SAN DIEGO CA 92101

CBN/eme

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GORDON & REES LLP
101 WEST BROADWAY
SUITE 1600
SAN DIEGO CA 92101

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JUL 10 2007

OFFICE OF PETITIONS

In re Patent No. 7,087,448
Issued: August 8, 2006
Application No. 10/399,070
Filed: April 10, 2003
Attorney Docket Number: 8484-PA01

ON PETITION

This is a decision on the petition, filed January 30, 2007, to correct the assignee's name on the front of the Patent, which is being treated under 37 CFR 3.81(b)[1].

The petition is **GRANTED**.

Petitioner states that the name of the assignee was incorrectly noted 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 name of the assignee, NATIONAL UNIVERSITY OF IRELAND, CORK, on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

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

A request for certificate of correction (and fee) as required by 3.81(b) was filed December 6, 2006 and dismissed in a decision mailed January 9, 2007 since the request was not accompanied by a petition under 37 CFR 3.81.

---

[1] *See* Official Gazette of June 22, 2004

Office assignment records however, reflect that NATIONAL UNIVERSITY OF IRELAND, CORK, is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

The petition fee and the fee for the certificate of correction have been properly posted to the finance records for this patent.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This file is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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SEP 19 2006

OFFICE OF PETITIONS

Dorsey & Whitney LLP
Intellectual Property Department
250 Park Avenue
New York, NY 10177

In re Application of :

Wayne Cohen :
Application No. 10/399,074 : DECISION ON PETITION
Filed: January 2, 2004 : TO WITHDRAW
Attorney Docket No. AP34971 PCT USA : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 11, 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 Gary Abelev 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.

All future correspondence will be directed to the first named inventor Wayne Cohen at the address indicated below.

There is no outstanding Office action at this time.

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

David Bucci
Petitions Examiner
Office of Petitions

cc: **Wayne Cohen**
44 Convent Road
Bangkok, 10500
Thailand

cc: **Wayne Cohen**
Managing Director
Bongo Logic Co., Ltd.
44 Convent Road
Silom Bangrak, Bangkok
Thailand 10500

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 NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/399,074	01/02/2004	Wayne Cohen	AP34971 PCT USA

CONFIRMATION NO. 4471

OC000000020451650

OC000000020451650

30873
DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK, NY 10177

Date Mailed: 09/15/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/11/2006.

- 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.

J. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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DONALD S DOWDEN
COOPER & DUNHAM
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

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JAN 0 6 2006

OFFICE OF PETITIONS

In re Application of :
Masanori Ogawa et al. :
Application No. 10/399,078 : ON PETITION
Filed: April 11, 2003 :
Attorney Docket No.: 2710/69215 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 12, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on May 25, 2005 for failure to timely file a reply to the final Office action mailed February 24, 2005, which set a three (3) month shortened statutory period for reply. A response was filed May 24, 2005 (certificate of mail date) however, the response did not place the application in condition for allowance. An advisory action was mailed June 23, 2005. No additional responses were filed and no extensions of time obtained thus, this application is abandoned. Accordingly, a Notice of Abandonment was mailed October 6, 2005.

The Notice of Appeal filed December 12, 2005 has been entered and made of record. Accordingly, the two (2)-month period for filing the Appeal Brief, accompanied by the fee required by law, runs from the date of this decision.

This matter is being referred to Technology Center 1711 for processing of the Notice of Appeal.

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

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DONALD S DOWDEN
COOPER & DUNHAM
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

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OCT 27 2006
OFFICE OF PETITIONS

In re Application of :
Masanori Ogawa et al. :
Application No. 10/399,078 : ON PETITION
Filed: April 11, 2003 :
Attorney Docket No.: 2710/69215 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 10, 2006, to revive the above-identified application.

The petition is **GRANTED**.

In response to a Final Office Action mailed February 24, 2005 and as the required reply filed with a Petition to Revive, a Notice of Appeal was filed on December 12, 2005.

The decision mailed January 6, 2006 granted the petition but required the filing of an Appeal Brief not later than March 6, 2006. As an appeal brief (and appeal brief fee) was not filed within two (2) months of the decision on petition, and no extensions of time requested, the-above-identified application became abandoned on March 7, 2006. Accordingly, a Notice of Abandonment was mailed October 10, 2006.

Comes now petitioner with the instant petition to revive and a Request for Continued Examination (RCE) requesting that the amendment previously filed on May 27, 2005 be considered as the submission required under 37 CFR 1.114.

The fees for the petition to revive ($750.00) and the RCE ($395.00) have been applied.

The request for continued examination (RCE) of this application under 37 CFR 1.114 is being forwarded to Technology Center 1711 for 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

30 SEP 2003

UNITED STATES PATENT and TRADEMARK OFFICE

#6

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P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Charles Berman, Esq.
GREENBERG TRAURIG LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, California 90067

In re Application of	:	
FIOCCO, Maria Grazia	:	DECISION ON
Application No.: 10/399,081	:	
PCT No.: PCT/IT01/00187	:	
Int. Filing Date: 13 April 2001	:	
Priority Date: 13 October 2000	:	PETITION UNDER
Attorney Docket No.: 58009-016400	:	
For: COUPLING SYSTEM FOR	:	
REMOVABLE OR DETACHABLE...	:	
PANS AND THE LIKE	:	37 CFR 1.181

This decision is in response to the "PETITION UNDER 37 CFR 1.18 TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ... MISSING REQUIREMENTS" filed 22 August 2003, and 24 September 2003, requesting acceptance of a copy of the Declaration, Power of Attorney purportedly filed in the USPTO on 11 April 2003. Applicants have submitted, inter alia, a copy of the 11 April 2003 PTO stamped itemized postcard receipt. The itemized postcard lists, *inter alia*, the following item: PCT Power, Decl. & Petition.

BACKGROUND

On 11 April 2003, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and a copy of the international application. Applicant, also, indicated that a Declaration was submitted at such time.

On 24 June 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 1.47(a) and (b), identifying the application by International application number and international filing date" must be submitted within two months from its 24 June 2003 date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application. In addition, the surcharge for providing the oath or declaration later that the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e))

On 22 August 2003 and 24 September 2003, applicant submitted this petition indicating that the items indicated as omitted were in fact deposited with the PTO with the original application papers filed on April 11, 2003.

DISCUSSION

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

(1) PCT Power; Decl. & Petition
(2) Transmittal to DO/EO/US
(3) Preliminary Amendment

The postcard lists the above items and bears a USPTO date of stamp as 11 April 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.

Applicant's postcard is accepted as *prima facie* that a Declaration was deposited with the U.S. Patent and Trademark Office on 11 April 2003.

Accordingly, the date of receipt for the Declaration is 11 April 2003.

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 issuance of a Notification of Acceptance of Application (Form PCT/DO/EO/903) identifying a 35 U.S.C.§ 371 date of **11 April 2003**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459

Leonard Smith
PCT Legal Examiner
PCT Legal Office

16 SEP 20

#4

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Kenneth Walton
Merck & Co., Inc.
PO Box 2000
Rahway, New Jersey 07065-0907

In re Application of	:	
Hale, et al.	:	
Application No.:10/399,084	:	
PCT No.: PCT/US01/42562	:	DECISION ON PAPERS
Intl. Filing Date: 9 October 2001	:	UNDER 37 CFR 1.42
Priority Date: 11 October 2000	:	
Attorney's Docket No.: 20766YP	:	
For: Pyrrolodine Modulators of CCR5 Chemokine	:	
Receptor Activity	:	

This is a decision on the papers filed in the United States Patent and Trademark Office (USPTO) on 17 July 2003, which are being treated as a request for acknowledgment of status under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 9 October 2001, applicants filed international Application PCT/US01/42562 and claimed priority to an earlier application filed 11 October 2000. A demand for international preliminary examination, in which the United States was elected, was filed on 08 May 2002, within nineteen months of the priority date . Accordingly, pursuant to 37 CFR 1.495, the thirty month period for paying the basic national fee expired at midnight 11 April 2003.

On 11 April 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 18 June 2003, a "Notification of Missing Requirements Under 37 U.S.C. 371 in the United States Designated/Elected Office" was mailed indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required along with $162.00 in additional fees. A two-month time limit was set for response.

On 17 July 2003, applicants filed a declaration signed by ten of the eleven listed joint inventors on behalf of themselves and also signed by Yuan Cheng on behalf of deceased joint inventor Christopher

Willoughby in her capacity as legal representative to inventor Willoughby's estate.

DISCUSSION

Section 1.42 of Title 37 of the Code of Federal Regulations 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 1.497 of the Code of Title 37 of the Code of Federal Regulations further states, in pertinent part, that :

> [i]f the person making the oath or declaration . . . is not the inventor . . . 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 signing the oath or declaration is the legal representative of a deceased inventor, the oath or declarations shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

The declaration filed 17 July 2003, is executed by Yuan Cheng in her capacity as legal representative of the estate of inventor Christopher Willoughby. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into the national stage under 35 USC 371(c) were completed as of 17 July 2003.

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

The application has an international filing date of 9 October 2001, under 35 USC 363 and a 35 USC 371(c) date of 17 July 2003.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

Kenya A. McLaughlin
PCT Legal Office Detailee
PCT Legal Office

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GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

COPY MAILED

OCT 18 2005

OFFICE OF PETITIONS

Applicant: Desnoyer et al.
Appl. No.: 10/399,093
International Filing Date: November 12, 2001
Title: METHODS OF TREATMENT USING WISP POLYPEPTIDES
Attorney Docket No.: P1837R1
Pub. No.: US 2005/0054563 A1
Pub. Date: March 10, 2005

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), filed on May 6, 2005, for the above-identified application

The request is DISMISSED.

The instant request is that the application be republished because the patent application publication includes the wrong abstract on the front page of the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in printing the wrong abstract on the front page of the publication is an Office error, but it is not a material error under 37 CFR 1.221(b). The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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] 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).

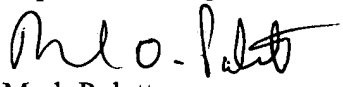
1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

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

30 SEP 2003

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Arnold B Silverman
Eckert Seamans Cherin & Mellott
600 Grant Street
44th Floor
Pittsburgh, PA 15219

In re Application of	
FERENC RAKOSI	DECISION ON
Application No.: 10/399,106	
PCT No.: PCT/GB00/03966	PETITION
Int. Filing Date: 16 October 2000	
Priority Date: None	UNDER 37 CFR 1.47(b)
Attorney's Docket No.: 063030-00062-1	
For: DOMED BUILDING STRUCTURE	

This is in response to the petition under 37 CFR 1.47(b), filed 15 April 2003 to permit petitioner (applicant) to file the above-captioned application on behalf of the non-signing sole inventor, Ferenc Rakosi.

BACKGROUND

On 15 April 2003, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*,: basic national filing fee and the instant petition requesting that the above-identified application be accepted under the provisions of 37 CFR 1.47(b). The petition was accompanied by a Combined Declaration and Power of Attorney signed by Kirk D. Houser, attorney for the 37 CFR 1.47b applicant, Orfus Limited, on behalf of the non-signing inventor. Also accompanying the petition was a Statement under 37 CFR 3.73(b), a declaration from Mr. Houser regarding the sole inventor's refusal to sign the application and numerous exhibits. A copy of the assignment executed by Ferenc Rakosi, allegedly filed on 15 April 2003, was not found in the application file.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Applicant has satisfied items (1), (3), (4) and (6) with payment of the requisite petition fee, a statement of the last known address of the inventor as provided in the statement of facts and Combined Declaration and Power of Attorney on behalf of the sole inventor executed by Mr. Houser for the 37 CFR 1.47(b) applicant.

With regard to item (2), petitioner has not provided adequate proof that the sole inventor is unavailable or refuses to sign the application. Specifically, petitioner has not provided a tracking shipment statement from International Federal Express indicating that the package was

successfully delivered to Mr. Rakosi after 03 April 2003. Thus, an acceptable reason for filing under 37 CFR 1.47 has not been provided.

Regarding item (5), Petitioner indicated that a copy of the executed Assignment was attached to the petition. However, the assignment was not found in the papers submitted on 15 April 2003 and has not been recorded according to USPTO records.

Accordingly items (2), and (5) above have not been satisfied and applicant's petition must be dismissed.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED WITHOUT PREJUDICE**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (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(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the 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.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Tel: 703-306-5467

24 MAY 2004

#6

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Arnold B Silverman
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600 Grant Street
44th Floor
Pittsburgh, PA 15219

In re Application of	
FERENC RAKOSI	DECISION ON
Application No.: 10/399,106	
PCT No.: PCT/GB00/03966	RENEWED PETITION
Int. Filing Date: 16 October 2000	
Priority Date: None	UNDER 37 CFR 1.47(b)
Attorney's Docket No.: 063030-00062-1	
For: DOMED BUILDING STRUCTURE	

This is in response to the renewed petition under 37 CFR 1.47(b), filed 09 April 2004 to permit petitioner (applicant) to file the above-captioned application on behalf of the non-signing sole inventor, Ferenc Rakosi.

BACKGROUND

On 15 April 2003, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*,: basic national filing fee and a petition requesting that the above-identified application be accepted under the provisions of 37 CFR 1.47(b). The petition was accompanied by a Combined Declaration and Power of Attorney signed by Kirk D. Houser, attorney for the 37 CFR 1.47b applicant, Orfus Limited, on behalf of the non-signing inventor. Also accompanying the petition was a Statement under 37 CFR 3.73(b), a declaration from Mr. Houser regarding the sole inventor's refusal to sign the application and numerous exhibits. A copy of the assignment executed by Ferenc Rakosi, allegedly filed on 15 April 2003, was not found in the application file.

On 30 September 2003, a decision dismissing the petition was mailed indicating that petitioner has not provided adequate proof that the sole inventor was unavailable or refused to sign the application, in that, a tracking shipment statement from International Federal Express, indicating that the package was successfully delivered to Mr. Rakosi after 03 April 2003, and a copy of the executed Assignment, was not attached to the petition or located in the USPTO records.

On 09 April 2004, petitioner filed a renewed petition accompanied by, *inter alia*, a Federal Express tracking shipment statement and an executed Assignement.

DISCUSSION

As previously stated, a petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the

parties or to prevent irreparable damage.

Applicant has previously satisfied items (1), (3), (4) and (6).

With regard to item (2), petitioner provided a tracking shipment statement from International Federal Express indicating that the package was successfully delivered to Mr. Rakosi's last known address on 08 April 2003. The United States Patent and Trademark Office is relying on petitioner's duty of candor and good faith in accepting Mr. Houser's statement that "no response has been received from him [Rakosi] to the present date [09 April 2004]".

Regarding item (5), Petitioner has now provided a copy of the Assignment to Orfus Limited, executed by Ferenc Rakosi relating to international application no. PCT/GB00/03966, which is identical to the specification, claims and drawings filed in 10/399,106.

Based on the totality of the evidence in this case, petitioner provided adequate evidence to conclude that the sole inventor's conduct constitutes a refusal to sign the application. Accordingly, applicant's petition under 37 CFR 1.47(b) is **GRANTED**.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at the last known address of record as set forth in the papers filed 15 April 2003, and a notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

Applicant has completed the requirements for acceptance under 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4). The application has an international filing date of 16 October 2000, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **15 April 2003**.

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Tel: 703-306-5467

24 MAY 2004

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FERENC RAKOSI
EOTVOS UT 43-45/11
BUDAPEST, 1121
HUNGARY

In re Application of FERENC RAKOSI Application No.: 10/399,106 PCT No.: PCT/GB00/03966 Int. Filing Date: 16 October 2000 Priority Date: None Attorney's Docket No.: 063030-00062-1 For: DOMED BUILDING STRUCTURE	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(b)

Dear Mr. Rakosi:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

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

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

703-306-5467

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

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APR 12 2005

OFFICE OF PETITIONS

In re Application of :
Ben A. Greene, et al. :
Application No. 10/399,110 : ON PETITION
Filed: September 25, 2003 :
Attorney Docket No. 011299.52380US :

This is a decision on the petition, filed April 4, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 21, 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).

#5

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Patricia Anne Perkins
IMMUNEX CORPORATION
Law Department
1201 Amgen Court
Seattle, WA 98119-3105

In re Application of	:	
LYNCH et al	:	
Application No.:10/399,116	:	DECISION ON
PCT No.: PCT/US01/44834	:	
Int. Filing Date: 30 October 2001	:	PETITION
Priority Date: 02 November 2000	:	
Attorney Docket No.: 2995-US	:	UNDER 37 CFR 1.181
For: METHOD OF ENHANCING LYMPHOCYTE-MEDIATED IMMUNE RESPONSES	:	

This decision is in response to applicants' "Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment," filed 27 May 2004. Accordingly, no petition fee is required.

BACKGROUND

On 30 October 2001, applicants filed international application PCT/US01/44834. The international application claims a priority date of 02 November 2000 and designates the United States.

On 14 April 2003, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*,: the requisite basic national fee required by 35 U.S.C. 371(c)(1) and payment of the Surcharge for providing the oath or declaration later than 30 months from the priority date, and a Bibliographic Data Sheet (i.e. an Application Data Sheet). A copy of the international application was communicated from the International Bureau to the United States Patent and Trademark Office (USPTO) on 10 May 2002. While there was a correspondence address in the transmittal letter, there was no customer number identified on the transmittal letter. However, the Application Data Sheet included the Customer Number 22932 under the heading "Correspondence Information."

On 15 July 2003, the United States Designated/Elected Office (DO/EO) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating 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 must

be submitted, and an additional claim fee ($288) must be paid. The period for response expired 15 September 2003, two months from the mail date of the Notification. The Notification was mailed to the correspondence address identified in the transmittal letter and not to the correspondence address referenced by the Customer Number 22932.

In May 2004, applicants requested status of the application and were told that the Notification of Missing Requirements had been mailed on 15 July 2003.

On 27 May 2004, applicants filed the instant petition, accompanied by, *inter alia*, a response to the Notification of Missing Requirements, which included the payment of the additional claim fee and the submission of an executed declaration of the inventors in conformance with 37 CFR 1.497(a) and (b).

DISCUSSION

An application data sheet, if filed with an application, becomes a part of the application. The bibliographic information on an application data sheet, including the correspondence information, is captured by the USPTO and made a part of the record with respect to that application. The correspondence information includes the correspondence address, which may be indicated by reference to a customer number. 37 CFR 1.76(b)(2). MPEP 601.05.

A review of the record indicates that the Notification of Missing Requirements mailed on 15 July 2003 was mailed to the wrong address, due to USPTO error. Inasmuch as the correspondence address in the USPTO records for the application was taken from applicants' transmittal letter filed on 14 April 2003, the correspondence address for mailing out the Notification of Missing Requirements was wrong because the zip code was incorrect. Instead of "98010," the zip code should have been "98101." When there is an application data sheet filed in an application which indicates the correspondence address for that application, the correspondence address should be taken from the application data sheet. Therefore, the correspondence address for mailing the Notification should have been taken from the correct correspondence address which was referenced to the Customer Number 22932, as required by the application data sheet filed with the application. Accordingly, there is a sufficient basis for resetting the period for reply to the Notification and for withdrawing the holding of abandonment of the application.

Applicants should note, however, that the version of the application data sheet used in the application is out of date. In the future, applicants are advised to use the most recent version of the application data sheet, as indicated by the website for United States Patent and Trademark Office.

Applicants' payment of the additional claim fee and submission of an executed declaration of the inventors in conformance with 37 CFR 1.497(a) and (b) constitute a complete reply to the notification of Missing Requirements.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 to withdraw the holding of abandonment of the application is **GRANTED**.

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

Leonard Smith
PCT Legal Examiner
PCT Legal Administration

Jim Foster
Detail
PCT Legal Administration

Telephone: (703) 308-1315
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#3

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05 AUG 2003

Lewis F. Gould, Jr
Duane Morris LLP
One Liberty Place
Philadelphia, PA 19103

In re Application of	:	
Clive Graham Langley	:	
Application Serial No.: 10/399,121	:	
PCT No.: PCT/AU01/00495	:	DECISION ON PETITION UNDER
Intl. Filing Date: 2 May 2001	:	
Priority Date: 2 May 2000	:	37 CFR 1.137(b)
Attorney's Docket No.: 283702-21	:	
For: DEVICE FOR ISOLATING A SURFACE	:	
FOR WELDING	:	

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING the UNITED STATES ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137 (b)", filed 16 April 2003.

BACKGROUND

On 2 May 2001, applicants filed International Application PCT/AU01/00495 which claimed priority to an earlier application filed on 2 May 2000. A demand for international preliminary examination, in which the United States was elected, was filed within nineteen months. Accordingly, pursuant to 37 CFR 1.495, the thirty month period for paying the basic national fee expired at midnight 2 November 2002.

A copy of the international application was mailed to the United States Patent and Trademark Office from the International Bureau on 8 November 2001; however; applicants did not timely submit the basic national fee. Accordingly, the application became abandoned on 03 November 2003.

The instant petition was filed on 16 April 2003, and was accompanied by the petition fee, a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing under

35 USC 371", a preliminary amendment, and a "Combined Declaration and Power of Attorney" (unexecuted).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be filed promptly after applicant becomes aware of the abandonment and must be accompanied by: (1) the required reply, unless previously filed, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional and (4) a terminal disclaimer (for applications filed before 8 June 1995).

As to item (1), the petition is accompanied by the required reply in the form of a check for the basic national filing fee

As to item (2), the petition is accompanied by the required petition fee.

As to item (3), the petition is accompanied by applicants' 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."

As to item (4), a terminal disclaimer is not required in the present case.

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the International Division to continue national stage processing of the present application, including preparation and mailing of the Notification of Missing Requirement Under 35 USC 371 requiring an oath or declaration as required by 35 USC 371(c)(4) and the surcharge for filing the oath or declaration later than thirty months from the priority date as required by 37 CFR 1.492(e).

Boris Milef
PCT Legal Examiner
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Kenya A. McLaughlin
PCT Legal Office Detailee
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UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

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Gerald H. Kiel
Reed Smith LLP
599 Lexington Avenue
New York, NY 10022-7650

In re Application of :
STURM, et al. :
U.S. Application No.: 10/399,137 : DECISION ON PETITION
PCT No.: PCT/CH01/00336 :
Int. Filing Date: 30 May 2001 : UNDER 37 CFR 1.181
Priority Date: 10 October 2000 :
Attorney Docket No.: GK-BUE-107/500647 :
For: MULTIPLE-SHAFT EXTRUDER AND PROCEDURE FOR COMPOUNDING AND/OR MOLDING LACED WITH FILLER :

This decision is in response to applicant's "Petition to Accept Late Declaration Without Extension Fees" filed 15 December 2003 in the United States Patent and Trademark Office (USPTO). The petition is being treated as a petition under 37 CFR 1.181. No petition fee is due, as such applicant's $130.00 petition fee payment will be refunded to Deposit Account No.: 50-1529.

BACKGROUND

On 30 May 2001, applicant filed international application PCT/CH01/00336 which claimed priority to an earlier application filed 10 October 2000. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 April 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, 10 April 2003.

On 10 April 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); a translation of the international application into English; a First Preliminary Amendment and a substitute specification with abstract. An executed oath or declaration of the inventors was not filed.

On 15 July 2003, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide a signed 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. In addition, applicant was advised of the need to provide payment of the $130.00 surcharge for providing an oath or declaration of the inventors later than thirty months from the priority date, as well as, a sequence listing for the present application..

Applicant was provided two months to file the proper response and advised that this time could be extended pursuant to 37 CFR 1.136(a). In addition, applicant was informed that as a result of the preliminary amendment, the application contained 30 claims and that applicant was required to provide payment of an additional $370.00 as result.

On 15 December 2003, applicant filed the present response which included an executed combined declaration and power of attorney and the petition considered herein.

On 30 December 2003, applicant was mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) informing applicant that the response filed 15 December 2003 did not contain payment of the additional claim fees and thus was not a proper response to the Form PCT/DO/EO/905 mailed 15 July 2003. Applicant was afforded one month from the mailing of the Form PCT/DO/EO/916 or within the time remaining in the response set forth in the Form PCT/DO/EO/905, whichever was longer to pay the fees.

DISCUSSION

Applicant seeks relief from paying a three-month extension of time petition fee arguing that the Form PCT/DO/EO/905 mailed 15 July 2003 was never received. The Official Gazette, at 1156 OG 53, provides that a petition requesting relief based on the grounds that an Office action was not received must be accompanied by a statement that (1) the Office action was not received, (2) attests that a search of the file jacket indicates the Office action was not received, (3) attests that a search of counsel's docket records indicates the Office action was not received and (4) the Petition must also be accompanied by copies of the docket records where the non-received Office action would have been entered. (See also, Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

Applicant has merely satisfied item (1) above regarding the purportedly missing Form PCT/DO/EO/905. As such, applicant has not made a proper showing and the requested relief can not be granted. As authorized the three-month extension of time fee will be charged to Deposit Account No.: 50-1529. A review of the filed combined declaration and power of attorney finds that it is in compliance with 37 CFR 1.497(a)-(b). Further, a review of the present filing reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.181 is **DISMISSED**.

As the petition was treated as a petition under 37 CFR 1.181, applicant's $130.00 petition will be refunded to Deposit Account No.: 50-1529 while the $950.00 extension of time fee will be charged. In addition, as authorized, the $380.00 referenced in the Form DO/EO/916 mailed 30 December 2003 will also be charged to Deposit Account No.: 50-1529.

If reconsideration of the merits of this petition is desired, i.e. a refund of the three-month extension

of time payment, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.181." No additional fee is required.

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.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for processing in accordance with this decision. The 35 U.S.C. 371(c) date is **15 December 2003**.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 703-305-0130
Fax: 703-308-6459

07 JAN 2004

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Gerald H. Kiel
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New York, NY 10022-7650

DOCKET L&C
DUE March 7, 2004
Response to Petition

In re Application of
STURM, et al.
U.S. Application No.: 10/399,137
PCT No.: PCT/CH01/00336
Int. Filing Date: 30 May 2001
Priority Date: 10 October 2000
Attorney Docket No.: GK-BUE-107/500647
For: MULTIPLE-SHAFT EXTRUDER AND PROCEDURE FOR COMPOUNDING AND/OR MOLDING LACED WITH FILLER

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's "Petition to Accept Late Declaration Without Extension Fees" filed 15 December 2003 in the United States Patent and Trademark Office (USPTO). The petition is being treated as a petition under 37 CFR 1.181. No petition fee is due, as such applicant's $130.00 petition fee payment will be refunded to Deposit Account No.: 50-1529.

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On 15 July 2003, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide a signed 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. In addition, applicant was advised of the need to provide payment of the $130.00 surcharge for providing an oath or declaration of the inventors later than thirty months from the priority date, as well as, a sequence listing for the present application..

Applicant was provided two months to file the proper response and advised that this time could be extended pursuant to 37 CFR 1.136(a). In addition, applicant was informed that as a result of the preliminary amendment, the application contained 30 claims and that applicant was required to provide payment of an additional $370.00 as result.

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DISCUSSION

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Applicant has merely satisfied item (1) above regarding the purportedly missing Form PCT/DO/EO/905. As such, applicant has not made a proper showing and the requested relief can not be granted. As authorized the three-month extension of time fee will be charged to Deposit Account No.: 50-1529. A review of the filed combined declaration and power of attorney finds that it is in compliance with 37 CFR 1.497(a)-(b). Further, a review of the present filing reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.181 is **DISMISSED**.

As the petition was treated as a petition under 37 CFR 1.181, applicant's $130.00 petition will be refunded to Deposit Account No.: 50-1529 while the $950.00 extension of time fee will be charged. In addition, as authorized, the $380.00 referenced in the Form DO/EO/916 mailed 30 December 2003 will also be charged to Deposit Account No.: 50-1529.

If reconsideration of the merits of this petition is desired, i.e. a refund of the three-month extension

of time payment, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.181." No additional fee is required.

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.

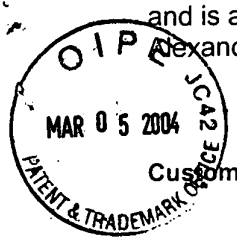
This application is being returned to the United States Designated/Elected Office (US/DO/EO) for processing in accordance with this decision. The 35 U.S.C. 371(c) date is **15 December 2003**.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 703-305-0130
Fax: 703-308-6459

3-8-04 Image 8 DAC

EXPRESS MAIL NO. EV 304 055 949 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop Petitions, Commissioner for Patents, P.O.BOX 1450, Alexandria, VA 22313-1450



Lena Cheung / Lena Cheung Date: **March 5, 2004**

Customer No. 026418

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: GK-BUE-107 / 500647.20008

Applicant(s): Achim-Philipp STURM and Federico INNEREBNER

Application No.: 10/399,137

371 Filing date: December 15, 2003

For: MULTIPLE-SHAFT EXTRUDER AND PROCEDURE FOR COMPOUNDING AND/OR MOLDING LACED WITH FILLER

Mail Stop PETITIONS
Commissioner for Patents
P.O.BOX 1450
Alexandria, VA 22313-1450

RENEWED PETITION

Sir:

Responsive to the Decision on the Petition under 37 CFR 1.181 dated January 7, 2004, applicants hereby renew the Petition to the Commissioner to accept the late declaration without the payment of a three month extension of time.

Submitted herewith is a renewed Declaration of Franklyn L. Davis in support of this petition, along with copies of the following:

Exhibit A	Incoming Patent and Trademark Office mail log sheets from July 15, 2003 to September 15, 2003; and
Exhibit B	The undersigned's Docket Sheets from September 1, 2003 to December 15, 2003.

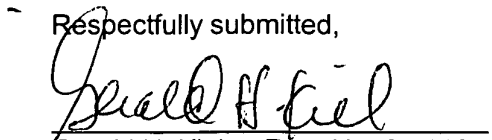
Upon review of Exhibit A, no entry is found for a formalities letter for Application No. 10/399,137. Also, Exhibit B shows no docket dates for responding to the formalities letter dated July 15, 2003.

03/10/2004 CNGUYEN 00000134 501529 10399137
01 FC:1460 130.00 DA

A favorable decision by the Petitions Branch is desired.

The Commissioner is hereby authorized to charge the petition fee of $130.00 under 37 CFR 1.17(h) to Deposit Account No. 50-1529 and to credit the $ 950.00 Extension fee, if the petition is granted, to Deposit Account No. 50-1529.

Respectfully submitted,



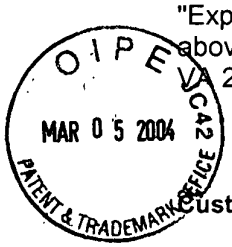
Gerald H. Kiel - Reg. No. 25,116
Reed Smith LLP
599 Lexington Avenue
New York, NY 10022-7650

GHK:ram:
March 5, 2004
Tel. No.: (212) 521-5400

Enclosures:
Copy of Decision dated 01/07/04
Renewed Declaration by Franklyn L. Davis
Incoming Patent and Trademark Office mail log sheets
and Counsel's docket sheets

EXPRESS MAIL NO. EV 304 055 949 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O.BOX 1450, Alexandria, VA 22313-1450



Lena Cheung / Lena Cheung Date: **March 5, 2004**

Customer No. 026418

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.:	GK-BUE-107 / 500647.20008
Applicant(s):	Achim-Philipp STURM and Federico INNEREBNER
Application No.:	10/399,137
Filing date:	December 15, 2003
For:	MULTIPLE-SHAFT EXTRUDER AND PROCEDURE FOR COMPOUNDING AND/OR MOLDING LACED WITH FILLER

Mail Stop Petitions
Commissioner for Patents
P.O.BOX 1450
Alexandria, VA 22313-1450

RENEWED DECLARATION OF FRANKLYN L. DAVIS

Sir:

I, Franklyn L. Davis, hereby solemnly and sincerely declares that:

1. I am a docketing clerk for the firm of Reed Smith LLP, formerly McAulay Nissen Goldberg Kiel & Hand, LLP, and have been working in that capacity for approximately 21 years.

2. I am principally responsible for receiving and docketing all incoming Patent and Trademark Office mail for all ten (10) attorneys.

3. On November 23, 2003, as part of my duties, I was doing six month status checks on cases in the Pair system, and noted that we have not heard from the Patent and Trademark (hereafter "PTO") regarding the above case. I pulled our file GK-BUE-107 (10/399,137). Upon doing the status check, I found out that a Missing Parts Office Action for Application No. 10/399,137 was mailed on July 15, 2003. We did not receive this action.

4. I checked the file folder for GK-BUE-107 (10/399,137) but did not find the Missing Parts office action in this file folder.

5. I checked our incoming PTO log sheets from July 15, 2003 to September 15, 2003, copies if which are attached (Exhibit A).

6. I checked the docket sheets for Mr. Kiel from September to November 2003, copies if which are attached (Exhibit B).

7. I then called the PCT help desk and spoke to Catherine Short and informed her that we did not receive the PCT-905 Missing Parts formalities letter.

8. On November 24, 2003, Miss Short faxed me a copy of the 905 office action, a copy of which is attached (Exhibit C).

9. I then docketed the action and gave the file to Mr. Kiel, the attorney of record.

10. I further declare that all statements made herein are of my 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 fine or imprisonment, or both, under Section 1001 to Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Dated: March 5, 2004

Franklyn L. Davis

Search Results

DateReceived	PTOMailDate	DocketNumber	Serial PatentNo	FilingDate	DocumentType	Attorney
07/15/2003	07/04/2003	JG-GV-4873	75/748,217		NOTICE OF AP	JG
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07/15/2003	07/11/2003	gk-oeh-116	09/939,401	08/24/2001	notice of allow	GK

Search Results

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07/16/2003	07/14/2003	KILBU-65RE	10/226,285	08/13/2002	STATUS INFO	LMC
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07/16/2003	07/11/2002	ZEI-3198	10/398,632	10/02/2001	MISSING REQ	GK
07/16/2003	07/14/2003	501010-20788	10/291,384	11/12/2002	OFFICE ACTIO	WHD
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Search Results

DateReceived	PTOMailDate	DocketNumber	Serial PatentNo	FilingDate	DocumentType	Attorney
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Search Results

DateReceived	PTOMailDate	DocketNumber	Serial_PatentNo	FilingDate	DocumentType	Attorney
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07/18/2003	07/16/2003	JG-YY-5052	09/802,232	03/08/2001	OFFICE ACTIO	JG
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07/18/2003	07/10/2003	501038.20522	10/266,497	10/08/2002	NOTICE OF PU	WHD
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07/18/2003	07/15/2003	JG-YY-5065	096/836,942	04/17/2001	NOT OF ALLO	JG
07/18/2003	07/15/2003	PHOEN T-7	76/455,978		NOT OF ALLO	LMC
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07/18/2003	07/15/2003	GEY-1093	09/762,498	04/26/2001	ADVISORY AC	GK
07/18/2003	07/15/2003	JG-SU-5020	09/718,659	11/22/2000	NOA	JG

DateReceived	PTOMailDate	DocketNumber	Serial PatentNo	FilingDate	DocumentType	Attorney
07/18/2003	07/11/2003	DEMET T-2	76/427,872		EXAMIONERS	LMC
07/18/2003	07/15/2003	IFW-965	09/958,047	10/03/2001	NOA	GK
07/18/2003	07/10/2003	501010-20714	10/276,894	11/20/2002	FR	WHD
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07/18/2003	07/15/2003	ZEI-3061	09/366,883	08/04/1999	LP	GK
07/18/2003	07/15/2003	ZEI-3061	09/366,883	08/04/1999	LP	GK
07/18/2003	07/16/2003	23537-61	09/701,523	11/28/2000	FEE SUBMISSI	WHD
07/18/2003	07/16/2003	GK-ZEI-3201	10/411,663	04/11/2003	UPDATED FR	GK

Search Results

DateReceived	PTOMailDate	DocketNumber	Serial PatentNo	FilingDate	DocumentType	Attorney
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07/21/2003	07/08/2003	ZEI-3178	10/221,953	05/09/2003	FR	JG
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DateReceived	PTOMailDate	DocketNumber	Serial PatentNo	FilingDate	DocumentType	Attorney
07/21/2003	07/16/2003	501005.20004	10/302,017	11/22/2002	RECORDED A	ELD
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Search Results

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Search Results

DateReceived	PTOMailDate	DocketNumber	Serial_PatentNo	FilingDate	DocumentType	Attorney
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07/24/2003	07/10/2003	23538-53	PCT/US01/49152	12/19/2001	CORRECTED	WHD
07/24/2003	07/22/2003	ITI-290	09/608,912	06/30/2000	NOTICE OF A	MIW
07/24/2003	07/22/2003	501005.20012	10/439,965	05/15/2003	FR	ELD
07/24/2003	07/22/2003	JG-SU-5047	09/786,963	03/12/2001	1 MONTH TO	JG
07/24/2003	03/01/721	AD-MG-103CIP/	10/266,498	10/08/2002	NOT OF NON	AD
07/24/2003	07/12/2003	BENI T-33	74/072,907	07/18/1995	NOTICE OF A	JDS
07/24/2003	07/14/2003	501229-20504	74/161,586	04/29/1991	NO ACCEP	WHD
07/24/2003	07/22/2003	YY-5096	09/941,890	08/28/2001	LETTERS PAT	JG
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07/25/2003	07/23/2003	501019-20518	78/065,852	05/25/2001	NOTICE OF AP	WHD
07/25/2003	07/23/2003	DEMET T-2	76/427,872		NOSUS	LMC
07/25/2003	07/22/2003	ANGIO T-19	76/456,072		NOALLOW	LMC
07/25/2003	07/17/2003	SANKY P-202	09/827,404		IS	ELD
07/25/2003	07/22/2003	JG-YY-5176	10/344,496	02/11/2003	FR	JG
07/25/2003	07/22/2003	23811.05	09/825,639	04/04/2001	CIRRECTED FI	WHD
07/25/2003	07/23/2003	ZEI-3115	10/422,558	04/24/2003	FR	GK
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07/28/2003	07/24/2003	23537-25	09/587,580	06/05/2000	NOTICE OF A	WHD
07/28/2003	07/25/2003	501010-20843	09/598,616	06/21/2000	POWER OF AT	WHD
07/28/2003	07/16/2003	501010-20760	10/380,804	03/18/2004	FR	WHD
07/28/2003	07/24/2003	23537-78	09/744,879	01/29/2001	NOALLOW	WHD
07/28/2003	07/21/2003	JG-HK-5133	10/108,094	03/26/2002	OA	JG
07/28/2003	07/25/2003	20076.69	09/839,988	04/20/2001	RES TO AMEN	WHD
07/28/2003	07/24/2003	GEY-1085	09/624,632		IN	GK
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07/28/2003	07/23/2003	SWAB T-5	78/214,135		OA	JDS
07/28/2003	07/23/2003	EIS-1050	76/428,200		EXAMINERS A	GK
07/28/2003	07/24/2003	20076.55	09/770,711		IN	WHD
07/28/2003	07/24/2003	SANKY P-234	10/446,566	05/28/2003	MP/FR	ELD
07/28/2003	07/23/2003	501152.20012	10/373,530	02/25/2003	RA	ELD
07/28/2003	07/23/2003	AD-SDM-101	10/374,485	02/26/2003	RA	AD
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07/28/2003	07/24/2003	JG-TT-5068	09/858,393	05/16/2001	NOA	JG
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07/30/2003	07/24/2003	23538-17	09/890,731	08/02/2001	NOA	WHD
07/30/2003	07/28/2003	501010-20808	10/441,816	05/20/2003	FR	WHD
07/30/2003	07/28/2003	GK-ZEI-3061C	10/446,215	05/27/2003	FR	GK
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07/30/2003	07/28/2003	SANKY P-200	09/768,887	01/23/2001	NOT OF ALLO	ELD
07/30/2003	07/25/2003	PETER T-5	76/352,645		NOT OF SUS	JDS
07/30/2003	07/25/2003	20066-88	60/334,017	11/29/2001	RA	WHD
07/30/2003	07/25/2003	501014.20002	10/289,939	11/07/2002	RA	ELD
07/30/2003	07/28/2003	ANGIO P-31	PCT/US03/19292	06/16/2003	INVITATION T	LMC
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07/31/2003	07/29/2003	GEY-1055	09/402,360	12/16/1999	NOA	GK
07/31/2003	07/29/2003	500615.20087	6,600,313	12/07/1999	LP	ELD
07/31/2003	07/29/2003	20066-71	09/734,358	12/11/2000	LP	WHD
07/31/2003	07/29/2003	501010-20591	09/974,140	10/10/2001	OA	WHD
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08/01/2003	07/25/2003	FRE-101	10/373,354	02/25/2003	RA	GK
08/01/2003	07/28/2003	20076.43	10/188,344	07/01/2002	RA	WHD
08/01/2003	07/28/2003	ANGIO P-25	09/693,412	10/20/2000	RA	LMC
08/01/2003	07/28/2003	501010-20708	10/275,791	11/08/2002	NOT OF PUB	WHD
08/01/2003	07/28/2003	ELK-5142	10/168,357	10/16/2002	NOT O PUB	JG
08/01/2003	07/28/2003	ANGIO P-25DIV	10/360,120	02/07/2003	NOT OF PUB	LMC
08/01/2003	07/28/2003	JG-TT-4948C	10/281,564	10/28/2002	NOT OF PUB	JG
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08/01/2003	07/24/2003	501010-20643	10/204,393	12/02/2002	NOT OF PUB	WHD
08/01/2003	07/28/2003	501038.20511	10/188,344	07/01/2002	RA	WHD
08/01/2003	07/28/2003	501010-20775	10/399,024	04/10/2003	MP	WHD
08/01/2003	07/29/2003	ANGIO P-21	76/488,737		OA	LMC
08/01/2003	07/30/2003	20096.15	09/890,374	01/03/2002	OA 2	WHD
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08/01/2003	07/24/2003	TT-5151	10/292,725	11/12/2002	NOT OF PUB	JG
08/01/2003	07/24/2003	501032.20502	10/054,672	01/22/2003	NOT OF PUB	WHD
08/01/2003	07/29/2003	ZEI-3099CON	10/419,077	04/17/2003	FR	GK
08/01/2003	07/29/2003	JG-YM-4797	10/411,862	04/10/2003	FR	JG
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08/04/2003	01/08/2003	23538-63	PCT/USO2	01/22/2002	PCT	WHD
08/04/2003	07/28/2003	501010-20846	09/016,925	02/02/1997	POWER OF AT	WHD
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08/04/2003	07/31/2003	ZEI-3154	10/077,630	02/15/2002	.OA 3	GK
08/04/2003	07/29/2003	SUH T-4	76/446,729	09/03/2002	CERT OF REG	LMC
08/04/2003	07/31/2003	ZEI-3076	09/463,202	05/04/2000	NOT OF ALLO	GK
08/04/2003	07/29/2003	sanky p-203	09/828,006	04/06/2001	non recordation	eld
08/04/2003	07/17/2003	20076-41	09/530,173	04/24/2000	NOT OF ALLO	WHD
08/04/2003	07/17/2003	501010-20782	10/426,544	04/30/2003	FR	WHD
08/04/2003	07/28/2003	ZEI-3200	10/398,617	07/16/2003	FR/	GK
08/04/2003	07/31/2003	501152.20015	10/434,792	05/08/2003	FR	ELD
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08/04/2003	07/31/2003	501070.20502	09/523,551	03/10/2000	PET IS GRANT	WHD
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08/05/2003	07/31/2003	ZEI-3199	10/398,841	10/02/2001	MR	GK
08/05/2003	07/31/2003	500841.20015 VI	76/361,014		EA	JDS
08/05/2003	07/25/2003	EIS-1039	76/190,854	01/03/2001	REQ IS GRAN	GK
08/05/2003	07/30/2003	KILBU T-76	76/61,899	05/24/2001	NOT OF PUB	JDS
08/05/2003	08/01/2003	500330.20001 E.	78/212,458		OA	JDS
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08/06/2003	08/04/2003	501010-20737	10/350,288	01/23/2003	FR	WHD
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08/06/2003	08/01/2003	501010-20604	10/200,000	07/19/2002	NOT OF PUB	WHD
08/06/2003	07/31/2003	501010-20671	10/239,365	06/02/2003	PUB DATE	WHD
08/06/2003	08/01/2003	STR-1000	10/239,611	01/26/2003	NOT OF PUB	GK
08/06/2003	08/04/2003	501010-20767	10/402,375	03/27/2003	MP	WHD
08/06/2003	07/31/2003	501049.20540	10/296,668	05/05/2003	PUB DATE	WD
08/06/2003	08/04/2003	ZEI-3147	10/043,465	01/10/2003	OA	GK
08/06/2003	07/31/2003	501012-20513	10/220,178	08/27/2002	PUB DATE	WHD
08/06/2003	08/01/2003	501005.20007	10/334,422	12/30/2002	NOT OF PUB	ELD
08/06/2003	08/04/2003	JG-TOC-5156CIP	10/462,480	06/16/2003	MP	JG
08/06/2003	08/01/2003	500330.20001	78/2312,461		OA	JDS
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08/07/2003	08/05/2003	20066-65	09/624,089	07/24/2000	SC	WHD
08/07/2003	08/05/2003	SANKY P-202	09/827,404	04/06/2001	SC	ELD
08/07/2003	07/31/2003	YY-4920C	10/141,804		IN	JG
08/07/2003	07/31/2003	ZEI-3121	09/894,474		IN	GK
08/07/2003	07/09/2003	ELK-5155	10/311,426	07/09/2003	FR/ NOT OF A	JG
08/07/2003	07/28/2003	GLAUB T-65	75/089,098	04/16/1996	NOACCEP	JDS
08/07/2003	08/05/2003	GEY-1093	09/762,498	04/26/2001	NOA	GK
08/07/2003	08/05/2003	500615.20148	10/066,083	10/01/2001	NOA	ELD
08/07/2003	07/31/2003	500615.20164	10/151,773		IN	ELD
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08/08/2003	07/31/2003	HTC-125JP	PCT/US02/00106		REQ FOR EXA	MIW
08/08/2003	08/05/2003	20101.35	22-752	10/28/1998	COPY OF RES	MIW
08/08/2003	07/31/2003	501010-20554	09/700,986	11/21/2000	IS	WHD
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08/11/2003	08/07/2003	BUE-106	10/380,416	09/07/2001	MISSING PAR	GK
08/11/2003	08/07/2003	ULTRA P-22	10/457,228	06/09/2003	FR	LMC
08/11/2003	08/05/2003	KILBU T-57	75/939,860	03/09/2000	REQ FOR EXT	LMC
08/11/2003	08/07/2003	ZEI-3174	10/443,352	05/22/2003	MP/ FR	GK
08/11/2003	08/05/2003	ANGIO P-27	10/116,299	04/04/2002	OA 3	LMC
08/11/2003	08/05/2003	kilbu t-57	75/939,860	03/09/2000		
08/11/2003	08/06/2003	OEH-159	10/461,232	06/13/2002	FR	GK
08/11/2003	08/08/2003	GEY-1117	09/857,599	10/01/2001	I OA	GK
08/11/2003	04/06/2000	SANKY P-185	09/544,155	04/06/2000	OA	ELD
08/11/2003	08/04/2003	BAIDA 102	09/992,172	11/14/2001	OA3	GK
08/11/2003	08/04/2003	ZEI-3117	09/834,432	04/13/2001	OA	GK
08/11/2003	07/30/2003	23537-31	09/601,385	07/28/2000	OA	WHD
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08/11/2003	08/07/2003	501010-20835	10/465,075	06/19/2003	FR	WHD
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08/11/2003	08/06/2003	20069-96	09/411,287	10/04/1999	NOTOF ALLO	WHD
08/11/2003	08/01/2003	23538-63	PCT	01/22/2002	PCT	WHD
08/11/2003	07/29/2003	EDG-108	75/939,828	03/09/2000	CERT OF REG	JDS
08/11/2003	08/05/2003	EIS-1035	76/049,262	05/16/2000	CERT OF REG	GK
08/11/2003	08/08/2003	501010-20539	10/149,364	06/07/2002	FEE DEF IS AC	WHD
08/11/2003	08/06/2003	501010-20845	09/726,198	11/29/2000	NOT OF POWE	WHD
08/11/2003	08/08/2003	HOROW P-1	10/457,253	06/09/2003	FR	LMC
08/11/2003	08/04/2003	501010-20741	10/343,541		FR	WHD
08/11/2003	08/07/2003	HTC-137PCT	PCT/US O2/1725	05/31/2002	REPL BY 02/05	MIW
08/11/2003	08/07/2003	501010-20606	10/182,352	03/17/2003	RA	WHD
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08/11/2003	08/07/2003	260385.20007	PCT/	07/02/2003	NOT OF PAY	ELD
08/11/2003	07/31/2003	MARLO 101PCT	PCT/US03/01670	01/21/2003		MIW
08/11/2003	08/08/2003	SANKY P-187	09/543,308	04/05/2000	NOT OF ALLO	ELD

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08/13/2003	08/08/2003	ZEI-1011	09/677,685	10/02/2000	NOT OF ALLO	GK
08/13/2003	08/07/2003	HIK-997	76/179,865		NOT OF APPR	GK
08/13/2003	08/07/2003	HEF-951	09/947,882		IS	GK
08/13/2003	08/08/2003	RMC-5139P	PCT/US03/20699	06/30/2003	PCT	JG
08/13/2003	08/11/2003	SANKY P-189	09/551,960	04/19/2000	NOT OF ALLO	ELD
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08/14/2003	08/12/2003	20076-55	09/770,711	01/26/2001	SOFT COPIES	WHD
08/14/2003	08/06/2001	BUS-773	74/724,200	09/01/1995	NOT OF ACCE	GK
08/14/2003	08/06/2003	500941.20001	76/365,575	02/01/2002	NOT OF PUB	JDS
08/14/2003	08/02/2003	501093-20003	75/103,149	05/13/1996	NOT OF ACCE	JDS
08/14/2003	08/12/2003	ITI-340	76/296,670	08/07/2001	PARALEGAL S	MIW
08/14/2003	08/11/2003	ZEI-3076	09/463,202	05/04/2000	RECEIPT	GK
08/14/2003	04/09/2003	20066-56	09/572,482	05/16/2000	CERT OF COR	WHD
08/14/2003	08/11/2003	501010-20532	10/116,690	04/04/2002	OA	WHD
08/14/2003	08/12/2003	501010-20743	10/359,489	02/06/2003	UPDATED FILI	WHD
08/14/2003	08/12/2003	SU-5009	09/691,526	10/18/2000	NOA	JG
08/14/2003	08/12/2003	NG-4977	09/588,952	06/07/2000	NOT OF ALLO	JG
08/14/2003	08/05/2003	NPI-128	76/324,237	10/10/2001	CERT OF REG	MIW

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08/18/2003	08/14/2003	500585.20010	10/075,937		IS	ELD
08/18/2003	08/11/2003	SANKY P-236	10/462,488	06/16/2003	MP	ELD
08/18/2003	08/14/2003	854233-2002	76/365,979		NOT OF SUS	JDS
08/18/2003	08/12/2003	YY-5043	09/774,894	01/31/2001	LP	JG
08/18/2003	08/12/2003	GEY-1053	09/329,836	06/10/1999	LP	GK
08/18/2003	08/12/2003	20076-55	09/770,711	01/26/2001	LP	WHD
08/18/2003	08/12/2003	501214-20002	10/384,309	03/06/2003	RA	SC
08/18/2003	08/15/2003	OEH-149	10/357,174	02/03/2003	PUB	GK
08/18/2003	08/13/2003	501526-20002	09/815,143	03/22/2001	NOF ACCE	HA
08/18/2003	08/15/2003	501010-20745	10/364,150	02/11/2003	NOT O PUB	WHD
08/18/2003	08/11/2003	500798.20007	09/251,076	02/16/1999	POWER OF AT	ELD
08/18/2003	08/14/2003	501010-20757	10/363,894	05/06/2002	MP	WHD
08/18/2003	08/15/2003	ZEI-3185	10/415,048	04/23/2003	FR. ACCEP	GK
08/18/2003	08/12/2003	23538-17	09/890,731	08/02/2001	SC	WHD
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08/18/2003	08/13/2003	GV-5098	76/338,897	11/15/2001	NOPUB	JG
08/18/2003	08/14/2003	HK-5084	09/868,106	06/14/2001	OA3	JG
08/18/2003	08/12/2003	501152.20005	10/245,225	09/16/2002	NOA	ELD
08/18/2003	08/14/2003	21208.11	09/887,525		IS	MIW
08/18/2003	08/14/2003	501152.20013	10/387,739	03/13/2003	RA	ELD
08/18/2003	08/14/2003	501049.20545	60/480,205	06/20/2003	MP	WHD
08/18/2003	08/11/2003	ZEI-3190	10/415,045	04/23/2003	FR	GK
08/18/2003	08/14/2003	501049-20544	60/480,208	06/20/2003	FR	WHD
08/18/2003	08/09/2003	KILBU T-84	76/322,076		NOT OF APP	JDS
08/18/2003	08/15/2003	501005.20008	10/351,788	01/27/2003	N OF PUB	ELD
08/18/2003	08/15/2003	OEH-147	10/357,899	02/04/2003	NOT OF PUB	GK
08/18/2003	08/15/2003	OEH-148	10/357,173	02/03/2003	NOT OF PUB	GK
08/18/2003	08/13/2003	501005.20013	10/461,779	06/12/2003	FR	ELD
08/18/2003	08/15/2003	ZEI-3172	10/220,520	12/04/2002	NOT OF PUB	GK
08/18/2003	08/13/2003	GV-5098	76/338,897	11/15/2001	NOPUB	JG
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08/19/2003	08/13/2003	EIS-1062	78/212,997		OA	GK
08/19/2003	08/14/2003	SU-5144	10/187,661	07/01/2002	OA3	JG
08/19/2003	08/13/2003	OEH-135	10/130,947	05/24/2002	OA3	GK
08/19/2003	08/14/2003	HK-4840PC	09/269,104	03/19/1999	OA	JG
08/19/2003	08/14/2003	oeh-158	10/416,395	11/11/2000	mp	GK
08/19/2003	08/14/2003	htc-136pct	pct/us03/21264	07/09/2003	pct	miw
08/19/2003	08/15/2000	22868-26	60/225,471	08/15/2000	cert of copy	whd
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08/20/2003	08/18/2003	EIS-1060	76/488,213		OA	GK
08/20/2003	08/18/2003	HEF-951	10/465,447	06/19/2003	FR	GK
08/20/2003	08/14/2003	20108-90	09/608,912	06/30/2000	ISSUE NOTIFI	MIW
08/20/2003	08/18/2003	501315.20001	10/301,429	11/21/2002	OA	ELD
08/20/2003	08/18/2003	SANKY P-189	09/551,960	04/19/2000	OFFICE ACTIO	ELD
08/20/2003	08/18/2003	JG-NG-1369C-2	10/348,410	01/21/2003	OA	JG
08/20/2003	08/15/2003	20098-04	09/454,255	12/02/1999	RA	WHD
08/20/2003	08/15/2003	501010-20787	10/291,383	11/12/2002	NON-COMPLI	WHD
08/20/2003	08/18/2003	JG-HK-4840PC	09/269,104	03/19/1999	NON-COMPLI	JG
08/20/2003	08/12/2003	ITI-387 20109.87	10/084,542	02/26/2002	NOA	MIW
08/20/2003	08/07/2003	23538-07	09/856,761	05/23/2001	oa	WHD
08/20/2003	02/11/2002	23538-44	09/979,183	11/16/2001	mp	whd
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08/21/2003	08/19/2003	KILBU T-68	76/190,749	01/03/2001	SUPENSION	JDS
08/21/2003	08/19/2003	SANKY P-229	10/347,998	01/21/2003	NOPUB	ELD
08/21/2003	08/18/2003	STR-1001	10/240,808	01/23/2003	NOPUB	GK
08/21/2003	08/19/2003	501015.20501	09/975,750	10/11/2001	NOPUB	WHD
08/21/2003	08/19/2003	ZEI-3151	10/057,571	01/24/2002	NOPUB	GK
08/21/2003	08/19/2003	501018.-20002	10/329,173	12/24/2002	NOPUB	WHD
08/21/2003	08/19/2003	ZEI-3146	10/048,334	05/17/2002	NOT NON CO	GK
08/21/2003	08/14/2003	SYN-4967	76/046,605		EXT REQ	JG
08/21/2003	08/19/2003	20066-80	09/831,101	05/03/2001	NOA	WHD
08/21/2003	08/18/2003	SANKY P-231	10/360,389	02/07/2003	NOT OF PUB	ELD
08/21/2003	08/20/2003	20066.63	09/753,848	01/03/2001	NOA	WHD
08/21/2003	08/18/2003	ITI-310	09/637,155	08/11/2000	POWER OF AT	MIW
08/21/2003	08/18/2003	501005.20009	10/360,139	02/07/2003	NOT OF PUB	ELD
08/21/2003	08/08/2003	501010-20689	10/257,425	02/24/2003	PLEASE RESU	WHD
08/21/2003	08/19/2003	ZEI-3121	09/894,474	06/27/2001	LP	GK

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08/21/2003	08/19/2003	500615.20164	10/151,773	05/22/2002	SC	ELD
08/21/2003	08/19/2003	YY-4920C	10/141,804	05/08/2002	SC	JG
08/21/2003	08/12/2003	501010-20600	10/197,316	07/16/2002	CERT COPY	WHD
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08/22/2003	08/20/2003	ZEI-3073	09/442,429	11/17/1999	NOA	GK
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08/25/2003	08/20/2003	SU-5038	09/775,209	02/01/2001	OA3	JG
08/25/2003	08/22/2003	ZEI-3089	09/570,623	05/15/2000	OA3	GK
08/25/2003	08/21/2000	23537-05	09/501,078	02/09/2000	OA3	WHD
08/25/2003	08/21/2003	501152.20007	10/245,251	09/16/2002	OA3	ELD
08/25/2003	08/20/2003	FRANKLIN P-8	07/443,114	11/29/1989	RA	LMC
08/25/2003	08/19/2003	OEH-101	76/173,182		NOA	GK
08/25/2003	08/08/2003	501038.20569	10/408,799	04/07/2003	UFR	WHD
08/25/2003	08/21/2003	23807-82	09/653,801	09/01/2000	3MON OA	WHD
08/25/2003	08/20/2003	500941.20002	76/413,115	05/29/2002	NOP	JDS
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08/26/2003	08/22/2003	23807.87	09/973,601	10/09/2001	ABAND	MIW
08/26/2003	08/15/2003	23665.14	US01/07533	03/09/2001	PCT	WHD
08/26/2003	08/21/2003	501010-20521	6,617,759	05/31/2000	ISSUE NOTIFI	WHD
08/26/2003	08/21/2003	SIK-5063	09/829,467	04/09/2001	3 MON	JG
08/26/2003	08/15/2003	23538-71	10/070,237	02/28/2002	IMONTH ACTI	WHD
08/26/2003	08/21/2003	501010-20742	10/344,028	02/06/2003	RA	WHD
08/26/2003	08/22/2003	ad-pi-101	10/323,082	12/19/2002	ufr	AD
08/26/2003	08/22/2003	501010-20821	10/459,373	06/11/2003	mp/fr	whd
08/26/2003	08/21/2003	23811.05	09/825,639	04/04/2001	amend	miw

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08/28/2003	08/25/2003	TAN-454	07/916,943	07/20/1992	RA	GK
08/28/2003	08/25/2003	501010-20848	10/307,265	11/30/2002	POWER OF AT	WHD
08/28/2003	08/25/2003	JG-RP-4793	09/306,165	05/06/1999	NOA	JG
08/28/2003	08/25/2003	ITI-346B 501170.	10/404,183	04/01/2003	NOA	MIW
08/28/2003	08/22/2003	501152.20014	10/391,694	03/19/2003	RA	ELD
08/28/2003	08/18/2003	260385.20007	PCT/US03/20782	07/02/2003	NOT OF RECEI	ELD
08/28/2003	08/25/2003	EIS-1052	76/439,223		SUSPENSION	GK
08/28/2003	08/25/2003	ITI-310 20109.10	09/637,155	08/11/2000	NOA	MIW
08/28/2003	08/25/2003	EIS-1051	76/439,222		SUS LETTER	GK

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08/29/2003	08/26/2003	KILBU T-77	76/261,898		SUS INQ	JDS
08/29/2003	08/26/2003	ZEI-3138	10/009,912	03/05/2002	NOALLOW	GK
08/29/2003	08/25/2003	STR-1003	10/416,372	08/25/2001	MR	GK
08/29/2003	08/25/2003	TT-5067D	10/463,987	06/18/2003	FILE CORR PA	JG
08/29/2003	08/26/2003	501152.20016	10/446,465	05/27/2003	FR	ELD
08/29/2003	08/26/2003	501010-20708	10/275,791	11/08/2002	RA	WHD
08/29/2003	08/23/2003	XTECH T-1	76/404,334		NOAPP	JDS
08/29/2003	08/26/2003	501010-20841	09/861,859	04/19/2001	POA	WHD
08/29/2003	08/25/2003	501010-20644	10/224.713	08/20/2002	RA	WHD
08/29/2003	08/26/2003	23537-39	09/646,804	09/21/2000	NOA	WHD
08/29/2003	08/19/2003	860533-20001	76/371,778	02/15/2002	CERT OF REG	JDS

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08/29/2003	08/26/2003	KILBU T-77	76/261,898		SUS INQUIRY	JDS
08/29/2003	08/26/2003	ZEI-3138	10/009,912	03/05/2002	NOALLOW	GK
08/29/2003	08/25/2003	STR-1003	10/416,372	08/25/2001	MISSING PAR	GK
08/29/2003	08/25/2003	TT-5067D	10/463,987	06/18/2003	FILE CORR PA	JG
08/29/2003	08/26/2003	501152.20016	10/446,465	05/27/2003	FR	ELD
08/29/2003	08/26/2003	501010-20708	10/275,791	11/08/2002	RA	WHD
08/29/2003	08/23/2003	XTECH T-1	76/404,334		notice of approv	JDS
08/29/2003	08/26/2003	501010-20841	09/861,859	04/19/2001	POA	WHD
08/29/2003	08/25/2003	501010-20644	10/224.713	08/20/2002	RA	WHD
08/29/2003	08/26/2003	23537-39	09/646,804	09/21/2000	NOA	WHD
08/29/2003	08/19/2003	860533-20001	76/371,778	02/15/2002	CERT OF REG	JDS

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09/02/2003	08/27/2003	501010-20691	10/292,868	11/13/2002	OA3	WHD
09/02/2003	08/28/2003	SU-5097	09/937,581		IN	JG
09/02/2003	08/27/2003	OEH-146	10/321,170	12/17/2002	NOPUB	GK
09/02/2003	08/23/2003	HIK-20008	76/387,386		NOAAPP	GK
09/02/2003	08/27/2003	SU-5000D	10/390,941	03/18/2003	NOPUB	JG
09/02/2003	08/27/2003	20109.36	09/907,121	07/17/2001	POWER OF AT	MIW
09/02/2003	08/27/2003	GEY-1083C	10/334,448	12/30/2002	NOPUB	GK
09/02/2003	08/29/2003	RP-5169	60/484,234	06/30/2003	FR	JG
09/02/2003	08/27/2003	ZEI-3193	10/340,293	01/10/2003	NOPUB	GK
09/02/2003	08/28/2003	OEH-106	09/827,538		issue notifcation	GK
09/02/2003	08/27/2003	500944.20003	78/152,004	08/08/2002	NOP	JDS
09/02/2003	08/27/2003	501010-20735	10/347,033	01/17/2003	NOP	WHD
09/02/2003	08/28/2003	23537-06	09/504,018	02/18/2000	IS	WHD
09/02/2003	08/28/2003	23537-88	09/806,084	06/22/2001	IS	WHD
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09/02/2003	08/28/2003	501010-20658	10/234,632	09/03/2002	NOA	WHD
09/02/2003	08/27/2003	HEF-959	10/165,072	06/19/2003	FR	GK
09/02/2003	08/29/2003	EIS-1054	76/443,160		OA	GK
09/02/2003	08/26/2003	HK-4962	09/530,095	04/24/2000	letters patent	GK
09/02/2003	08/28/2003	22868.61	10/041,824	01/07/2002	OA3	WHD
09/02/2003	08/28/2003	OEH-123	10/103,169	03/20/2002	OA3	GK
09/02/2003	08/28/2003	501152.20011	10/261,999	10/01/2002	OA3	ELD
09/02/2003	08/27/2003	GRA-101	09/265,134	03/08/1999	NOA	GK
09/02/2003	08/26/2003	501010-20683	10/240,505	09/30/2002	RA	WHD
09/02/2003	08/27/2003	EPC-4955P	09/819,266	03/28/2001	OA3	JG
09/02/2003	08/27/2003	YAM-5081	09/897,225		IN	JG
09/02/2003	08/28/2003	OEH-152	10/360,372		resumit assigme	GK
09/02/2003	08/26/2002	HEF-951	09/947,882	09/06/2001	letters patent	GK
09/02/2003	08/29/2003	EIS-1055	76/443,161		OA	GK
09/02/2003	08/19/2003	GEY-1044	09/238,296	01/28/1999	RA	GK
09/02/2003	08/27/2003	OEH-153	10/393,930	03/20/2003	RA	GK
09/02/2003	08/27/2003	500946.20004	10/395,803	03/24/2003	RA	ELD

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09/02/2003	08/26/2003	501010-20646	10/204,647	12/04/2002	not of allowance	WHD
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09/04/2003	09/02/2003	20108-90	09/608,912	06/30/2002	notice of abando	MIW
09/04/2003	09/02/2003	SANKY P-210PC	IB01/02179	09/17/2001	CERTIFICATE	ELD
09/04/2003	09/02/2003	OEH-136	10/169,449	07/01/2002	NOALLOW.	GK
09/04/2003	09/02/2003	23538-27	09/936,074	09/05/2001	STATUS REPO	WHD
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09/04/2003	08/28/2003	GL-1239OPP-A	10,319		REQ TO CON	JG

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09/05/2003	09/02/2003	GV-4999	09/622,850	12/14/2000	OA3	JG
09/05/2003	09/03/2003	SANKY P-212	10/042,033	10/25/2001	OA3	GK
09/05/2003	09/02/2003	501010-20698	10/257,823	10/17/2002	RA	WHD
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09/08/2003	09/03/2003	FAU-5161	09/275,145	03/24/1999	RA	JG
09/08/2003	09/04/2003	OEH-118	09/708,147	11/08/2000	RA	GK
09/08/2003	09/04/2003	OEH-107	09/848,845	05/04/2001	OA	GK
09/08/2003	09/02/2003	CCPT-5180	10/381,352	06/25/2001	NOT OF DEFE	JG
09/08/2003	09/04/2003	YY-5031D	10/326,350	12/20/2002	2MON TO CO	JG
09/08/2003	09/04/2003	501010-20779	10/422,607	04/24/2003	UFR	WHD
09/08/2003	09/04/2003	HEF-962	10/465,247	06/19/2003	MP	GK
09/08/2003	09/03/2003	501070.20505	76/506,304		OA	WHD
09/08/2003	09/04/2003	GEY-1109	09/831,693	08/27/2001	NOALLOW	GK
09/08/2003	09/03/2003	OEH-152	10/360,372	02/07/2003	NOT OF PUB	GK
09/08/2003	09/03/2003	ZEI-3169	10/169,227	06/26/2003	NOT OF PUB	GK
09/08/2003	09/03/2003	ANGIO P-25/DIV	10/382,033	03/05/2003	NOT OF PUB	LMC
09/08/2003	09/03/2003	fau-5157	09/275,145	03/24/1999	ra	JG
09/08/2003	09/04/2003	ANGIO T-20	76/497,558		OA	LMC
09/08/2003	09/04/2003	23538-76	10/089,645	07/30/2002	IMON	WHD

DateReceived	PTOMailDate	DocketNumber	Serial PatentNo	FilingDate	DocumentType	Attorney
09/08/2003	09/03/2003	ZEI-3039	09/238,859	01/28/1999	DEC ON APPP	GK
09/08/2003	09/03/2003	501010-20563	09/555,391	05/26/2000	OA	WHD
09/08/2003	09/03/2003	501152.20009	10/251,166	09/19/2002	OA3	ELD
09/08/2003	09/04/2003	AGR-102	76/364,894		REQ FOR REC	AD
09/08/2003	09/03/2003	501070.20506	76/506,303		OA	WHD
09/08/2003	09/03/2003	EIS-1049	76/412,875		SUS ACTION	GK
09/08/2003	09/02/2003	23538-40	10/053,401	11/09/2001	RA	WHD
09/08/2003	09/02/2003	501010-20736	10/333,520	01/21/2003	RA	WHD
09/08/2003	09/02/2003	ZEI-3181	10/313,649	12/06/2002	RA	GK
09/08/2003	09/03/2003	501010-20730	60/439,021	01/09/2003	RA	WHD
09/08/2003	08/27/2003	YY-5150	10/257,645	10/15/2002	FR	JG
09/08/2003	09/05/2003	ultra p-20	10/264,119	10/03/2002	noallow	lmc
09/08/2003	09/03/2003	oeh-118	09/708,147	11/08/2000	ra	GK
09/08/2003	08/28/2003	ZEI-3199	10/398,841	08/13/2003	MP/FR	GK

Search Results

DateReceived	PTOMailDate	DocketNumber	Serial PatentNo	FilingDate	DocumentType	Attorney
09/10/2003	09/01/2003	EIS-1015	75/366,596		CONFIRMATI	JDS
09/10/2003	09/08/2003	501010-20665	10/237,263	09/05/2002	CFR	WHD
09/10/2003	09/08/2003	HEF-963	10/619,391	07/14/2003	FR	GK
09/10/2003	09/08/2003	501012-20537	60/482,296	06/25/2003	FILING RECEI	WHD
09/10/2003	09/03/2002	SYN-4966	76/063,788		NOTICE OF E	JG
09/10/2003	09/04/2003	HEF-950	09/846,869		IS	GK
09/10/2003	09/04/2003	GEY-1111	09/831,130		IS	GK
09/10/2003	09/04/2003	501010-20784	10/048,554	02/01/2002	ISSUE NOTIFI	WHD

Search Results

DateReceived	PTOMailDate	DocketNumber	Serial_PatentNo	FilingDate	DocumentType	Attorney
09/11/2003	09/09/2003	355780-0005	opp176		not of opp	jds
09/11/2003	09/08/2003	ANGIO P-25 DIV	10/418,613	04/17/2003	NOALLOW	LMC
09/11/2003	09/09/2003	500622.20032	10/465,501	06/19/2003	FR	HA
09/11/2003	09/09/2003	MPG-102A	10/412,077	04/11/2003	UFR	JDS
09/11/2003	09/05/2003	SYN-4967	76/046,605		NOT OF APPR	JG
09/11/2003	09/08/2003	PROM T-2	76/200,360		NOT OF SUS	JDS
09/11/2003	09/09/2003	KIEL 102	10/172,554	06/13/2002	1MON TO RES	GK
09/11/2003	09/05/2003	EIS-1036	76/049,261	05/16/2000	OA	GK
09/11/2003	09/08/2003	501012.20511	10/215,380	08/07/2002	NOALLOW	WHD

Search Results

DateReceived	PTOMailDate	DocketNumber	Serial PatentNo	FilingDate	DocumentType	Attorney
09/12/2003	09/10/2003	20076.69	09/839,988	04/20/2001	OA	WHD
09/12/2003	09/10/2003	CAS-106	09/953,017	09/14/2001	OA3	GK
09/12/2003	09/04/2003	501010-20704	10/258,822	10/25/2002	NOT OF PUB	WHD
09/12/2003	08/26/2003	BAIDA 102	PCT/US02/36609	11/14/2002	PCT	GK
09/12/2003	09/09/2003	501010-20720	10/297,380	12/05/2002	RA	WHD
09/12/2003	09/10/2003	23538-38	10/042,735	10/25/2001	OFFICE ACTIO	WHD
09/12/2003	09/09/2003	501010-20845	09/726,198	11/29/2000	NOAALOW	WHD
09/12/2003	09/09/2003	KM-1184CUS-1	09/406,198	09/23/1999	DEC ON APPE	JG
09/12/2003	09/10/2003	20076-77	10/114,868	04/01/2002	oa3	WHD
09/12/2003	09/09/2003	yy-4941d	10/095,238	03/11/2002	lettrs pat	jg
09/12/2003	09/09/2003	501010-20521	09/555,536	05/31/2000	lettrs pat	whd

Search Results

DateReceived	PTOMailDate	DocketNumber	Serial PatentNo	FilingDate	DocumentType	Attorney
09/15/2003	09/09/2003	GK-HEF-955	10/085,525	02/26/2002	NOTICE OF A	GK
09/15/2003	08/26/2003	501010-20575	09/979,180	02/25/2002	Notice Of Allow	WHD
09/15/2003	09/03/2003	501010-20786	10/203,594	08/09/2002	3 Month Action	whd
09/15/2003	09/03/2003	501010-20785	10/182,558	07/29/2002	3 Month Action	WHD
09/15/2003	09/09/2003	GK-OEH-154	10/407,394	04/04/2003	RECORDED A	GK
09/15/2003	09/01/1503	GK-ZEI-3196	10/419,016	04/17/2003	FILING RECEI	GK
09/15/2003	09/04/2003	SANKY P-221PC	IB03/03116	06/06/2003	INVITATION T	GK
09/15/2003	09/11/2003	GK-EIS-1034	76/049,263	05/16/2003	OFFICIAL ACT	GK
09/15/2003	09/10/2003	KILBU T-57	75/939,860	03/09/2000	EXTENSION R	LMC
09/15/2003	09/10/2003	500841-20015	76/361,014	01/18/2021	PUBLICATION	JDS
09/15/2003	09/10/2003	ANGIO T-24	76/491,142	02/19/2003	PUBLICATION	LMC
09/15/2003	09/09/2003	SURF COMM.	91-156812	09/09/2003	SHOW CAUSE	WHD
09/15/2003	09/04/2003	GK-ZEI-3138DIV	10/384,501	03/06/2003	PUBLICATION	GK
09/15/2003	08/26/2003	23538-38	10/042,735	10/25/2001	RECORDED A	WHD
09/15/2003	09/10/2003	JG-SU-5126	10/049,554	02/13/2002	Notice Of Allow	JG
09/15/2003	09/10/2003	CDL-102AU (20	25565/92	08/21/1992	Next Australian	MIW

DateReceived	PTOMailDate	DocketNumber	Serial PatentNo	FilingDate	DocumentType	Attorney
09/15/2003	09/15/2003	501010-20785	10/182,558	09/29/2002	Recordation	WHD
09/15/2003	09/11/2003	23538-18	09/890,318	07/25/2001	Corrected Notice	WHD
09/15/2003	09/04/2003	AMR-15PCT	PCT/US03/05554	02/24/2003	PCT Publication	MIW
09/15/2003	09/04/2003	20076-41 (50103	09/530,173	04/24/2002	Response To Ru	WHD
09/15/2003	09/09/2003	501010-20777	10/399,242	04/15/2003	Filing Receipt &	WHD
09/15/2003	09/04/2003	GK-ZEI-3183	10/276,446	02/25/2003	PUBLICATION	GK
09/15/2003	09/01/2003	HTC-136PCT (5	PCT/US03/21264	07/09/2003	PCT Notificatio	MIW
09/15/2003	09/10/2003	JG-YY-5176	10/344,496	02/11/2003	OFFICE ACTIO	JG
09/15/2003	09/15/2003	ITI-343	76/312,424	09/14/2001	Certificate Of R	MIW
09/15/2003	09/04/2003	20106-34 (HTC-	2000-7001975	02/25/2000	Korean Patent -	MIW
09/15/2003	09/15/2003	501141-20506	10/655,888	09/05/2003	Postcard	WHD
09/15/2003	09/15/2003	zei-3213	10/654,702	09/04/2003	Postcard	GK
09/15/2003	09/12/2003	500939-20002	10/373,354	02/25/2003	OFFICE ACTIO	GK
09/15/2003	09/11/2003	JG-TT-5053	09/812,802	03/20/2001	3 Month Final R	JEG
09/15/2003	09/10/2003	501010-20708	10/275,791	11/08/2002	Recordation	WHD

CONSOLIDATED DOCKET FOR GERALD H. KIEL

Through: 09/15/2003 PRINTED ON: 08/01/2003

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
September 2003								
01 Mon	GK/RMB/JDS	LPSYS T-9US	LPS-33	LP SYSTEMS CORPORATION/5 (US)	2,185,457	Aff of Use - 5 Year	0	None
01 Mon	GK/N/A/N/A	ZEI-3163	SYSTEM FOR MEASURING THE OPTICAL IMAGE QUALITY OF AN EYE IN A CONTACTLESS MANNER	CARL ZEISS JENA GmbH / 5003 (US)	10/129,255	FILING RECEIPT	0	None
01 Mon	GK/N/A/N/A	ZEI-3163	SYSTEM FOR MEASURING THE OPTICAL IMAGE QUALITY OF AN EYE IN A CONTACTLESS MANNER	CARL ZEISS JENA GmbH / 5003 (US)	10/129,255	PCT FORM 903	0	None
02 Tue	GK/DPL/N/A	CAS-109	DEACTIVATABLE HOOK AND LOOP FASTENER (Deaktiviernarer Klettverschluss)	CASATI, Wilhelm / 500335 (US)	10/038,595	PUBLICATION FEE	0	None
02 Tue	GK/DPL/N/A	CAS-109	DEACTIVATABLE HOOK AND LOOP FASTENER (Deaktiviernarer Klettverschluss)	CASATI, Wilhelm / 500335 (US)	10/038,595	ISSUE FEE	0	None
02 Tue	GK/JDS/N/A	GEN-822US	GGC	GENUINE GEMS CORP. (US)	2,092,822	AFFIDAVIT OF USE	0	1 Ext/6 Mnth
02 Tue	GK/JDS/N/A	GEN-822US	GGC	GENUINE GEMS CORP. (US)	2,092,822	Aff of Use - 6 Year	0	None
02 Tue	GK/N/A/N/A	HEF-729US	JACK PLUG *MAINTENANCE FEE DUE 12/18/03.*	HEFEL & HOFMANN / 500639 (US)	5,527,190	REM FOR MAINT FEE	0	None
02 Tue	GK/N/A/N/A	HEF-934	JACK SOCKET *MAINTENANCE FEE IS DUE ON 12/18/03.*	HEFEL & HOFMANN / 500639 (US)	6,080,021	REM. FOR MAINT FEE	0	None
02 Tue	GK/JDS/N/A	SEN-828US	NOISEGARD & DESIGN	EISENFUHR, SPEISER & PART (US)	2,092,701	8&15 DEADL	0	None
02 Tue	GK/JDS/N/A	SEN-828US	NOISEGARD & DESIGN	EISENFUHR, SPEISER & PART (US)	2,092,701	AFFIDAVIT OF USE	0	1 Ext/6 Mnth
02 Tue	GK/N/A/N/A	STK-168EPCCH	SIGNAL PROCESSING METHOD AND APPARATUS	MR. EDWARD W. STARK (CH)	0 385 805	ANNUITY DUE	1	None
02 Tue	GK/N/A/N/A	STK-168EPCDK	SIGNAL PROCESSING METHOD AND APPARATUS	MR. EDWARD W. STARK (DK)	0 385 805	ANNUITY DUE	1	None
02 Tue	GK/N/A/N/A	STK-168EPCEP	SIGNAL PROCESSING METHOD AND APPARATUS	MR. EDWARD W. STARK (EP)	0 385 805	ANNUITY DUE	1	None

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Through: 09/15/2003 PRINTED ON: 08/01/2003

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
September continued...								
02 Tue	GK/N/A/N/A	STK-168EPCFR	SIGNAL PROCESSING METHOD AND APPARATUS	MR. EDWARD W. STARK	(FR) 0 385 805	ANNUITY DUE	1	None
02 Tue	GK/N/A/N/A	STK-168EPCGB	SIGNAL PROCESSING METHOD AND APPARATUS	MR. EDWARD W. STARK	(GB) 0 385 805	ANNUITY DUE	1	None
02 Tue	GK/N/A/N/A	ZEI-3126US	MICROSCOPE, ESPECIALLY MICROSCOPE USED FOR INSPECTION IN SEMICONDUCTOR MANUFACTURE	CARL ZEISS JENA GmbH / 5003	(US) 09/856,222	RESPONSE TO OA	0	3 Ext/1 Mnth
03 We	GK/N/A/N/A	GEY-1114	SETTING OUT DEVICE	GEYER, WERNER / 500350	(US) 09/857,589	ISSUE FEE	0	None
03 We	GK/DPL/N/A	OEH-118	MICRODISPENSING SYSTEM FOR THE OPEN-JET DISPENSING OF LIQUIDS *Re: ASSIGNEE'S NAME "AG" not --GmbH--*	OEHMKE & KOLLEGEN / 50081	(US) 6,415,995	COR OF NTC OF RECORD	0	None
03 We	GK/N/A/N/A	SANKY-P-202	WINDING DEVICE	SANKYO SEIKI MFG... / 500615	(US) 6,601,792	LETTERS PATENT	0	None
03 We	GK/N/A/N/A	ZEI-3187	ARRANGEMENT FOR THE MANUFACTURE OF A RELEASABLE CONNECTION OF AT LEAST ONE LIGHT CONDUCTING FIBER WITH AN OPTICAL ELEMENT	CARL ZEISS JENA GmbH / 5003	(US) 10/294,294	RECORDED ASSIGNMENT	0	None
03 We	GK/N/A/N/A	ZEI-3189	ARRANGEMENT FOR THE MANUAL ADJUSTMENT OF A FOCUS POSITION ON MICROSCOPES *Nat'l Ph. Of PCT/EP01/14916 18DEC01*	CARL ZEISS JENA GmbH / 5003	(US) 10/433,702	PCT FORM 903	0	None
03 We	GK/N/A/N/A	ZEI-3189	ARRANGEMENT FOR THE MANUAL ADJUSTMENT OF A FOCUS POSITION ON MICROSCOPES	CARL ZEISS JENA GmbH / 5003	(US) 10/433,702	INF DISCLOSURE STMT	0	None
03 We	GK/N/A/N/A	ZEI-3189	ARRANGEMENT FOR THE MANUAL ADJUSTMENT OF A FOCUS POSITION ON MICROSCOPES *Nat'l Ph. Of PCT/EP01/14916 18DEC01*	CARL ZEISS JENA GmbH / 5003	(US) 10/433,702	FILG RCPT STATUS CHK	0	None
03 We	GK/N/A/N/A	ZEI-3189	ARRANGEMENT FOR THE MANUAL ADJUSTMENT OF A FOCUS POSITION ON MICROSCOPES	CARL ZEISS JENA GmbH / 5003	(US) 10/433,702	PUBLISH AS AMENDED	0	None

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DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
September continued...								
03 We	GK/HA/N/A	ZEI-3195	ARRANGEMENT FOR COUPLING ON OF LIGHT IN A MICROSCOPE *FILED w/UNSIGNED Decl/POA on 3JUL03*	CARL ZEISS JENA GmbH / 5003 (US)	10/613,394	AWAITING MP/OA	0	9 Ext/1 Mnth
04 Thu	JDS/GK/N/A	AVIANT T4US	ASXCHANGE AND DESIGN	AVIANT / 500787 (US)	76/206,999	STATEMENT OF USE	0	5 Ext/6 Mnth
04 Thu	JDS/GK/N/A	AVIANT T4US	ASXCHANGE AND DESIGN	AVIANT / 500787 (US)	76/206,999	FILE ITU EXTENSION	0	None
04 Thu	GK/DPL/N/A	BAIDA-102	DEVICE AND METHOD FOR MAKING PRECISE MEASUREMENTS AND CUTS WITH A MEASURING TAPE *REQ.TO W/DRAW FINALITY OF REJECTION MPEP 706.07(a) faxed to PTO at 703.872.9319 on 17JUN03*	NICHOLAS F. BAIDA (US)	09/992,172	FINAL REJECTION	0	3 Ext/1 Mnth
04 Thu	GK/DPL/N/A	BAIDA-102	DEVICE AND METHOD FOR MAKING PRECISE MEASUREMENTS AND CUTS WITH A MEASURING TAPE	NICHOLAS F. BAIDA (US)	09/992,172	NOTICE OF APPEAL	0	3 Ext/1 Mnth
04 Thu	GK/N/A/N/A	DAI-1042US	PROCESS AND SYSTEM FOR THE PROJECTION OF IMAGES ON A SCREEN	DAIMLER CHRYSLER AG / 5006 (US)	6,283,597	BROADENED REISSUE DL	0	None
04 Thu	GK/N/A/N/A	GEY-1042US	PROCESS AND SYSTEM FOR THE PROJECTION OF IMAGES ON A SCREEN	GEYER, WERNER / 500350 (US)	6,283,597	BROADENED REISSUE DL	0	None
04 Thu	GK/N/A/N/A	HEF-940	CABLE CONNECTOR FOR ELECTRICAL CONNECTIONS	HEFEL & HOFMANN / 500639 (US)	6,283,804	BROADENED REISSUE DL	0	None
04 Thu	GK/DPL/N/A	OEH-112CIP	ELEVATOR SYSTEM FOR THE VERTICAL TRANSPORT OF PAYLOADS IN AN AIRCRAFT	OEHMKE & KOLLEGEN / 50081 (US)	10/235,087	STATUS CHECK 6mons	0	None
04 Thu	GK/N/A/N/A	OEH-154	ARRANGEMENT FOR THE SUPPRESSION OF PARTICLE EMISSION IN THE GENERATION OF RADAITION BASED ON HOT PLASMA	OEHMKE & KOLLEGEN / 50081 (US)	10/407,394	RECORDED ASSIGNMENT	0	None
04 Thu	GK/N/A/N/A	OKM-100US	PROCESS AND ARRANGEMENT FOR THE MEASUREMENT OF TAPER THREADS ON A COORDINATE MEASUREMENT DEVICE	OPTISCHE KOORD... GmbH i.G. (US)	6,285,965	BROADENED REISSUE DL	0	None
04 Thu	GK/N/A/N/A	SANKY-P-202	WINDING DEVICE	SANKYO SEIKI MFG... / 500615 (US)	6,601,792	REQ PATENT TERM ADJ	0	None
04 Thu	GK/HA/N/A	ZEI-3049	ARRANGEMENT FOR ILLUMINATION AND/OR DETECTION IN A MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	09/295,555	RESPONSE TO OA	0	3 Ext/1 Mnth

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DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT		REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
September continued...									
04 Thu	GK/HA/N/A	ZEI-3195	ARRANGEMENT FOR COUPLING ON OF LIGHT IN A MICROSCOPE	CARL ZEISS JENA GmbH / 5003	(US)	10/613,394	PUBLISH AS AMENDED	0	None
04 Thu	GK/DPL/N/A	ZEI-3213	METHOD AND ARRANGEMENT FOR INSERTING CHANGES OF ILLUMINATION LIGHT AND/OR SAMPLE LIGHT WITH REFERENCE TO ITS COMPOSITION AND/OR DENSITY	CARL ZEISS JENA GmbH / 5003	(US)		FILE APPLN - 4SEP03	0	None
05 Fri	JG/GK/N/A	BUE-103	METHOD AND DEVICE FOR PRODUCING CRYSTALLISABLE PLASTIC MATERIAL	BUEHLER AG / 500647	(US)	10/049,549	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
			ORIGINAL RECORDATIONS OMITTED 2nd ASSIGNEE (RIETER AUTOMATIK GmbH)						
05 Fri	GK/N/A/N/A	EIS-1045	METHOD FOR THE REDUCTION OF SOUND WAVES USING ULTRASOUND LOUDSPEAKERS	EISENFUEHR, / 500593	(US)	10/009,703	STATUS CHECK	0	None
05 Fri	GK/N/A/N/A	KIEL-102PCT	PORTAL ANNOUNCING METHOD AND SYSTEM	KIEL, GERALD / 882955	(WO	PCT/US03/17956	FILING DETAILS	0	None
06 Sat	GK/JDS/N/A	EIS-1057	TELEFUNKEN	EISENFUEHR, / 500593	(US)	76/456,236	RESPONSE TO OA	0	None
06 Sat	GK/N/A/N/A	OEH-140	ARRANGEMENT FOR GENERATING AN ACTIVE GAS JET	OEHMKE & KOLLEGEN / 50081	(US)	10/236,747	STATUS CHECK	0	None
06 Sat	GK/DPL/N/A	SANKY P-221PCT	PRODUCTION LINE UTILIZING AUTO GUIDED PALLET AND PRODUCTION LINE DESIGN SUPPORT SYSTEM	500615 / SANKYO SEIKI	(WO	PCT/US03/17889	FILING DETAILS	0	None
06 Sat	GK/N/A/N/A	ZEI-3170US	ARRANGEMENT FOR GENERATING AN ACTIVE GAS JET	CARL ZEISS JENA GmbH / 5003	(US)	10/221,088	STATUS CHECK (6Mons)	0	None
07 Sun	GK/DPL/N/A	OEH-106	METHOD FOR CONTACTING A HIGH-POWER DIODE LASER BAR AND A HIGH-POWER DIODE LASER BAR-CONTACT ARRANGEMENT OF ELECTRICAL CONTACTS WITH SUBORDINATE THERMAL FUNCTION	OEHMKE & KOLLEGEN / 50081	(US)	09/827,538	LETTERS PATENT	0	9 Ext/1 Mnth
07 Sun	GK/N/A/N/A	OEH-133US	ARRANGEMENT FOR THE OPTICAL EXCITATION OF FLUORESCENT RADIATION OF INDIVIDUAL SPECIMENS ON A MULTISPECIMEN CARRIER	OEHMKE & KOLLEGEN / 50081	(US)	10/165,885	STATUS CHECK 6mons	0	None

CONSOLIDATED DOCKET FOR GERALD H. KIEL

Through: 09/15/2003 PRINTED ON: 08/01/2003

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT		REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
September continued...									
07 Sun	GK/DPL/N/A	SANKY P-221PCT	PRODUCTION LINE UTILIZING AUTO GUIDED PALLET AND PRODUCTION LINE DESIGN SUPPORT SYSTEM	500615 / SANKYO SEIKI	(WO	PCT/US03/17889	VERIFY DESIGNATIONS	0	None
08 Mon	GK/JDS/N/A	HIK-842	BUTTERFLY WITH DESIGN	K.K.HIKARI JIMUSYO / 501071	(US)	2,083,558	8/15 ACCEPTED?	0	9 Ext/1 Mnth
08 Mon	GK/JG/N/A	OEH-119	STABLE NEAR-INFRARED (NIR) MARKER DYES BASED ON BENZOPYRYLIUM POLYMETHINES *WILHELM FRANK THIS ENVENTOR IS MISSING FROM THE FILING RECEIPT*	OEHMKE & KOLLEGEN / 50081	(US)	10/031,741	CORRECTED FIL.RECPT	0	None
09 Tue	GK/N/A/N/A	OEH-127US	TIP MAGIZINE *Re: PRIORITY DATA MISSING*	OEHMKE & KOLLEGEN / 50081	(US)	10/089,284	CORRECT OF FLG RCPT	0	None
09 Tue	GK/N/A/N/A	ZEI-3155	ARRANGEMENT FOR FIXING AN OPTICAL COMPONENT PART	CARL ZEISS JENA GmbH / 5003	(US)	10/098,901	PUBLICATION FEE	0	None
09 Tue	GK/N/A/N/A	ZEI-3155	ARRANGEMENT FOR FIXING AN OPTICAL COMPONENT PART	CARL ZEISS JENA GmbH / 5003	(US)	10/098,901	ISSUE FEE	0	None
09 Tue	GK/N/A/N/A	ZEI-3178	SYSTEM AND METHOD FOR ANALYSING ACTIVE INGREDIENTS DESIGNED TO INFLUENCE INTRA-CELLULAR PROCESSES	CARL ZEISS JENA GmbH / 5003	(US)	10/221,953	RECORDED ASSIGNMENT	0	None
10 We	GK/N/A/N/A	FRE-1027	PROJECTION DEVICE *$1,330.00 CHARGE TO DA 4JUN03, REQUEST FOR REFUND mailed 10JUL03 *//* PTO LTR 21JUL03 RCVD "request forwarded to Pub.Div. for review & processing"*	GEYER, WERNER / 500350	(US)	6,580,469	D.A. CREDIT RCVD?	0	9 Ext/1 Mnth
10 We	GK/DPL/N/A	ZEI-3193	ILLUMINATION DEGICE FOR MISCROSCOPES	CARL ZEISS JENA GmbH / 5003	(US)	10/340,293	STATUS CHECK	0	None
10 We	GK/N/A/N/A	ZEI-3202	OPTICAL ARRANGEMENT FOR OBTAINING INFORMATION FROM A SAMPLE OR AN OBSERVED OBJECT	CARL ZEISS JENA GmbH / 5003	(US)	10/458,699	FILG RCPT STATUS CHK	0	None
10 We	GK/N/A/N/A	ZEI-3202	OPTICAL ARRANGEMENT FOR OBTAINING INFORMATION FROM A SAMPLE OR AN OBSERVED OBJECT	CARL ZEISS JENA GmbH / 5003	(US)	10/458,699	INF DISCLOSURE STMT	0	None
11 Thu	GK/N/A/N/A	BUE-102	METHOD AND DEVICE FOR PROCESSING A THERMOPLASTIC CONDENSATION POLYMER	BUEHLER AG / 500647	(US)	09/856,833	RESPONSE TO OA	0	3 Ext/1 Mnth

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September continued...								
11 Thu	GK/JDS/N/A	GEY-1045US	4D-VISION	GEYER, WERNER / 500350	(US) 75/627,864	RESPONSE TO OA	0	None
11 Thu	GK/N/A/N/A	GEY-1053	SHUTTER, IN PARTICULAR FOR AN OBJECTIVE, AND A CCD-CAMERA	GEYER, WERNER / 500350	(US) 6,606,125	REQ PATENT TERM ADJ	0	None
11 Thu	GK/N/A/N/A	GEY-1085	MODE-SYNCHRONIZED SOLID-STATE LASER	GEYER, WERNER / 500350	(US) 6,606,338	REQ PATENT TERM ADJ	0	None
11 Thu	GK/N/A/N/A	SANKY-P-178US	SURFACE PROFILE DETECTING DEVICE	SANKYO SEIKI MFG... / 500615	(US) 6,288,538	BROADENED REISSUE DL	0	None
11 Thu	GK/N/A/N/A	STR-989	HINGE FOR METAL CUPBOARD DOORS	ERNST STRATMANN / 500638	(US) 6,286,185	BROADENED REISSUE DL	0	None
11 Thu	GK/GK/GK	ZEI-3198	REFLECTOR TURRET FOR AN INVERTED MICROSCOPE	CARL ZEISS JENA GmbH / 5003	(US) 10/398,632	MISSING PARTS (2 MO)	0	5 Ext/1 Mnth
11 Thu	GK/DPL/N/A	ZEI-3201	ARRANGEMENT FOR POLARIZATION OF LIGHT	CARL ZEISS JENA GmbH / 5003	(US) 10/411,663	INF DISCLOSURE STMT	0	None
12 Fri	GK/DPL/N/A	EIS-1028US	METHOD AND DEVICE FOR SIGNAL CODING	EISENFUEHR, / 500593	(US) 09/462,049	STATUS CHECK 6mons	0	None
			CHANGE OF NAME AND STATUS REQUEST SENT TO PTO 4APRIL2003			*STATUS REPLY FROM PTO*		
			CASE WILL BE EXAMINED IN 8 TO 11 MONTHS FROM THIS DATE 18APRIL2003					
12 Fri	GK/N/A/N/A	EIS-1033US	SOUND-REPRODUCING DEVICE MOUNTABLE ON THE BODY OF A USER	EISENFUEHR, / 500593	(US) 09/529,501	STATUS CHECK (6Mons)	0	None
			CHANGE OF NAME AND STATUS REQUEST SENT TO PTO 4APRIL2003			*STATUS REPLY FROM PTO*		
			DATED 18APRIL2003 WILL BE FIRST EXAMINED IN 12 TO 15 MONTHS FROM DATE					
12 Fri	GK/N/A/N/A	EIS-1040US	INFORMATION SYSTEM	EISENFUEHR, / 500593	(US) 09/806,411	STATUS CHECK	0	None
			EXAMINER WILL FIRST EXAMINED THIS CASE 10 TO 13 MONTHS FROM THIS DATE 18APRIL2003					
12 Fri	GK/N/A/N/A	EIS-1042	SYSTEM FOR CONTROLLING MOBILE TRANSMITTING AND/OR RECEIVING DEVICES WIRELESSLY CONNECTED TO A CENTRAL UNIT	EISENFUEHR, / 500593	(US) 09/908,344	STATUS CHECK 6mons	0	None
12 Fri	GK/N/A/N/A	GEY-1069US	DEVICE FOR TRANSPORTING AND HANDLING MICROTITER PLATES	GEYER, WERNER / 500350	(US) 09/509,921	STATUS CHECK 6mons	0	None

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September continued...									
12 Fri	GK/N/A/N/A	GEY-1119	PROJECTOR FOR THE SIMULATION OF A SCENE IMAGE WITH CALLIGRAPHIC LIGHTS, PARTICULARLY OF THE VIEW FROM AN AIRCRAFT OR FROM A SHIP *CHANGE OF NAME AND STATUS REQUEST SENT TO PTO 4APRIL2003*	GEYER, WERNER / 500350	(US)	09/914,137	STATUS CHECK (6Mons)	0	None
12 Fri	GK/N/A/N/A	GRA-103	PROCES FOR PRODUCING A HIGH TEMPERATURE STABLE FIBER REINFORCED CERAMIC	GRAPE & Schwarzensteiner / 50	(US)	10/053,211	STATUS CHECK 6mons	0	None
12 Fri	GK/N/A/N/A	HIK-2006	TWO-SIDED MULTIPLE LAMP ONLINE INNNER PART INSPECTION APPARATUS	HIKARI-SAKAE / 500572	(US)	10/088,889	STATUS CHECK 6mons	0	None
12 Fri	GK/N/A/N/A	PUS-621US	APPARATUS FOR MEASURING THE OXYGEN SATURATION OF FETUSES DURING CHILDBIRTH	PUSCHMANN & BORCHERT	(US)	5,497,771	2ND MAINT FEE DUE	0	1 Ext/6 Mnth
12 Fri	GK/DPL/N/A	SANKY-P-172US	HYDRODYNAMIC BEARING APPARATUS AND ITS MANUFACTURING METHOD	SANKYO SEIKI MFG... / 500615	(US)	09/165,259	STATUS CHECK (6Mons)	0	None
12 Fri	GK/N/A/N/A	SANKY-P-213	POLYGONAL MIRROR FIXING DEVICE	SANKYO SEIKI MFG... / 500615	(US)	10/007,777	RESPONSE TO OA	0	3 Ext/1 Mnth
12 Fri	GK/HA/N/A	ZEI-3048DIV	PROCESS FOR CONTROLLING A LASER SCANNING MICROSCOPE WITH A TILTABLE FINE FOCUSING STAGE	CARL ZEISS JENA GmbH / 5003	(US)	10/461,769	INF DISCLOSURE STMT	0	None
12 Fri	GK/HA/N/A	ZEI-3048DIV	PROCESS FOR CONTROLLING A LASER SCANNING MICROSCOPE WITH A TILTABLE FINE FOCUSING STAGE	CARL ZEISS JENA GmbH / 5003	(US)	10/461,769	FILG RCPT STATUS CHK	0	None
12 Fri	GK/HA/N/A	ZEI-3048DIV	PROCESS FOR CONTROLLING A LASER SCANNING MICROSCOPE WITH A TILTABLE FINE FOCUSING STAGE	CARL ZEISS JENA GmbH / 5003	(US)	10/461,769	PUBLISH AS AMENDED	0	None
13 Sat	GK/DPL/N/A	EIS-1064	METHOD AND SWITCHING ARRANGEMENT FOR CODING AND DECODING DATA (BASE-BAND MODULATOR)	EISENFUEHR, / 500593	(US)	10/461,233	INF DISCLOSURE STMT	0	None

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September continued...								
13 Sat	GK/N/A/N/A	GEY-1117	SYSTEM AND METHOD FOR THE NON-CONTACTING MEASUREMENT OF THE AXIS LENGTH AND/OR CORNEA CURVATURE AND/OR ANTERIOR CHAMBER DEPTH OF THE EYE, PREFERABLY FOR INTRAOCULAR LENS CALCULATION	GEYER, WERNER / 500350	(US) 09/857,599	STATUS REQUEST	0	None
			STATUS REPORT RESPONSE REC'D FROM PTO DATED MEMO FROM GK 28MARCH2003 BEFORE THE EXAMINER ACTS ON THIS CASE ABOUT 3MONTHS					
13 Sat	GK/N/A/N/A	GEY-1120	ARRANGEMENT FOR THE VERTICAL ORIENTATION OF A GEODETIC INSTRUMENT	GEYER, WERNER / 500350	(US) 09/947,999	STATUS REQUEST	0	None
			STATUS REPLY FROM PTO DATED 25MARCH2003 WILL BE FIRST EXAMINED 6MONTHS FROM 25MARCH2003					
13 Sat	GK/N/A/N/A	KIEL-102PCT	PORTAL ANNOUNCING METHOD AND SYSTEM	KIEL, GERALD / 882955	(WO PCT/US03/17956	VERIFY DESIGNATIONS	0	None
13 Sat	GK/DPL/N/A	OEH-159	METHOD FOR INTRODUCING A WEAKENED LINE OF REDUCED TEAR RETENTION IN AN AIR BAG COVER AND THE RESULTANT MANUFACTURED AIRBAG COVER	OEHMKE & KOLLEGEN / 50081	(US) 10/461,232	FILG RCPT STATUS CHK	0	9 Ext/1 Mnth
13 Sat	GK/N/A/N/A	ZEI-3203	MICROSCOPE, PARTICULARLY A LASER SCANNING MICROSCOPE WITH ADAPTIVE OPTICAL ARRANGEMENT	CARL ZEISS JENA GmbH / 5003	(US) 10/461,234	INF DISCLOSURE STMT	0	None
13 Sat	GK/N/A/N/A	ZEI-3203	MICROSCOPE, PARTICULARLY A LASER SCANNING MICROSCOPE WITH ADAPTIVE OPTICAL ARRANGEMENT	CARL ZEISS JENA GmbH / 5003	(US) 10/461,234	FILG RCPT STATUS CHK	0	9 Ext/1 Mnth
13 Sat	GK/N/A/N/A	ZEI-3203	MICROSCOPE, PARTICULARLY A LASER SCANNING MICROSCOPE WITH ADAPTIVE OPTICAL ARRANGEMENT	CARL ZEISS JENA GmbH / 5003	(US) 10/461,234	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
14 Sun	GK/N/A/N/A	BUE-106	DOUBLE-SHELL DRYER	BUEHLER AG / 500647	(US) 10/380,416	PUBLISH AS AMENDED	0	None
14 Sun	GK/N/A/N/A	BUE-106	DOUBLE-SHELL DRYER	BUEHLER AG / 500647	(US) 10/380,416	INF DISCLOSURE STMT	0	None
14 Sun	GK/N/A/N/A	SANKY-P-215	OPTICAL HEAD DEVICE	SANKYO SEIKI MFG... / 500615	(US) 10/098,885	STATUS CHECK	0	None
15 Mon	GK/N/A/N/A	SANKY-P-170EPEP	MAGNETIC CARD READER AND METHOD FOR DETERMINING THE COERCIVE FORCE OF A MAGNETIC CARD THEREIN	SANKYO SEIKI MFG... / 500615	(EP) 98 117 456.8	ANNUITY DUE	0	1 Ext/6 Mnth

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September continued...								
15 Mon	GK/HA/N/A	ZEI-3044	CONFOCAL MICROSCOPIC DEVICE	CARL ZEISS JENA GmbH / 5003 (US)	09/194,299	ISSUE FEE	0	None
15 Mon	GK/HA/N/A	ZEI-3044	CONFOCAL MICROSCOPIC DEVICE	CARL ZEISS JENA GmbH / 5003 (US)	09/194,299	FORMAL DRAWINGS	0	None
15 Mon	GK/DPL/N/A	ZEI-3093CIPUS	PROCESS AND APPARATUS FOR DETERMINING SURFACE INFORMATION USING A PROJECTED STRUCTURE WITH A PERIODICALLY CHANGING BRIGHTNESS CURVE	CARL ZEISS JENA GmbH / 5003 (US)	10/218,556	AMEND PUBLICATION	0	None
			Notice Of Publication Of Application rec'd on 5/27/03 confirmation no. 4759					

CALL-UP DATES

The following items are due beyond the current print through date of 09/15/2003. A "regular" docket will always print advanced call-ups.

September 2003

16 Tue	GK/N/A/N/A	GEY-1114	SETTING OUT DEVICE	GEYER, WERNER / 500350 (US)	09/857,589	COR OF NTC OF RECORD	0	9 Ext/1 Mnth
			ZSP's ZIP CODE / PTO's FAULT REQUEST mailed 16JUL03					
16 Tue	GK/N/A/N/A	SANKY P-236	POWER SUPPLY CONTROL CIRCUIT	SANKYO SEIKI MFG... / 500615 (US)	10/462,488	INF DISCLOSURE STMT	0	None
17 We	JDS/GK/N/A	CAS 108US	STRIP-GRIP	CASATI, Wilhelm / 500335 (US)	76/319,436	RESPONSE TO OA	0	None
			WE MUST PROVIDE A TRUE COPY, PHOTOCOPY, CERTIFICATION OR A CERTIFIED COPY OF THE CERTIFICATE OF REG. IN THE COUNTRY OF ORIGIN OF APPLICANT. WE MUST INDICATE STATUS OF RELEVANT FOREIGN APPL.					
17 We	GK/N/A/N/A	GEY-1105US	ARRANGEMENT FOR GENERATING RED, GREEN AND BLUE LASER RADIATION	GEYER, WERNER / 500350 (US)	09/792,804	NOTICE OF APPEAL	0	None
18 Thu	GK/N/A/N/A	CAS-105US	DEVICE FOR DISTRIBUTING LUBRICANTS IN GROOVED RAILS	CASATI, Wilhelm / 500335 (US)	10/090,868	RESPONSE TO OA	0	3 Ext/1 Mnth
18 Thu	GK/N/A/N/A	HEF-950	METHOD FOR DRIVING A COMBUSTION MOTOR AS WELL AS A COMBUSTION MOTOR	HEFEL & HOFMANN / 500639 (US)	09/846,869	LETTERS PATENT	0	9 Ext/1 Mnth
18 Thu	GK/N/A/N/A	ZEI-3156	ARRANGEMENT FOR THE OPTICAL CAPTURE OF EXCITED AND/OR BACK SCATTERED LIGHT BEAM IN A SAMPLE	CARL ZEISS JENA GmbH / 5003 (US)	10/081,096	RESPONSE TO OA	0	3 Ext/1 Mnth
19 Fri	GK/JDS/N/A	ABL-570	SPACESHIP (3D SHAPED)	ABLETT ASSOCIATES (US)	75/683,184	FINAL State. of Use	0	None
			MUST FILE THE STATEMENT OF USE w/SPECIMEN. NOTICE OF APPROVAL OF EXTENSION REQUEST DATED 15MAY2003					

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September continued...								
19 Fri	GK/N/A/N/A	GEY-1118	METHOF FOR EXTENDING AN APPLICATION, TO BE INSTALLED USING A INSTALLATION PROGRAM, BY A FUNCTION, AND A COMPUTER SOFTWARE PRODUCT	GEYER, WERNER / 500350 (US)	09/957,296	STATUS CHECK	0	None
19 Fri	GK/N/A/N/A	HEF-961	REGULATING-SLIDING VALVE	HEFEL & HOFMANN / 500639 (US)	10/465,447	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
19 Fri	GK/DPL/N/A	HEF-962	VACUUM VALVE	HEFEL & HOFMANN / 500639 (US)	10/465,247	INF DISCLOSURE STMT	0	None
19 Fri	GK/DPL/N/A	ZEI-3201	ARRANGEMENT FOR POLARIZATION OF LIGHT	CARL ZEISS JENA GmbH / 5003 (US)	10/411,663	RECORDED ASSIGNMENT	0	None
21 Sun	GK/N/A/N/A	SANKY-P-229	DAMPER DEVICE THAT USES VISCOUS FLUID AND ITS MANUFACTURING METHOD	SANKYO SEIKI MFG... / 500615 (US)	10/347,998	STATUS CHECK	0	None
21 Sun	GK/DPL/N/A	ZEI-3193	ILLUMINATION DEGICE FOR MISCROSCOPES	CARL ZEISS JENA GmbH / 5003 (US)	10/340,293	RECORDED ASSIGNMENT	0	None
22 Mon	GK/N/A/N/A	OEH-146	ARRANGEMENT FOR THE MAINTENANCE AND THE TRANSPORT OF AT LEAST ONE OPTICAL CONSTRUCTION ELEMENT	OEHMKE & KOLLEGEN / 50081 (US)	10/321,170	RECORDED ASSIGNMENT	0	None
22 Mon	GK/N/A/N/A	OEH-153	DETECTOR ARRANGEMENT FOR ENERGY MEASUREMENT OF PULSED X-RAY RADIATION	OEHMKE & KOLLEGEN / 50081 (US)	10/393,930	PUBLICATION	0	None
22 Mon	GK/N/A/N/A	ZEI-3181US	MICROSCOPE SUPPORT	CARL ZEISS JENA GmbH / 5003 (US)	10/253,065	STATUS REQUEST	0	None
23 Tue	GK/N/A/N/A	OEH-130US	TOOL HEAD FOR LASER MACHINING OF MATERIALS	OEHMKE & KOLLEGEN / 50081 (US)	10/140,448	ISSUE FEE	0	None
23 Tue	GK/N/A/N/A	OEH-143	DIODE LASER ARRANGEMENT WITH A PLURALITY OF DIODE LASER LINES	OEHMKE & KOLLEGEN / 50081 (US)	10/203,221	CORRECT OF FLG RCPT	0	None
			REQ. mailed 23APR03 re: TITLE (the title from the English transation & Decl/POA not the title from the publication)					
23 Tue	GK/DPL/N/A	STR-1002	ELECTRONIC LOCKING SYSTEM	ERNST STRATMANN / 500638 (US)	10/381,777	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
23 Tue	GK/N/A/N/A	ZEI-3185	MICROSCOPE WITH AND AUTOMATIC FOCUSING DEVICE	CARL ZEISS JENA GmbH / 5003 (US)	10/415,048	RECORDED ASSIGNMENT	0	None
23 Tue	GK/N/A/N/A	ZEI-3190	ARRANGEMENT FOR THE FINE FOCUSSING OF MICROSCOPES	CARL ZEISS JENA GmbH / 5003 (US)	10/415,045	RECORDED ASSIGNMENT	0	None

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September continued...								
23 Tue	GK/GK/N/A	ZEI-3215	METHOD AND APPARATUS FOR PRECISION WORKING OF MATERIAL *FILED IN GERMAN LANG. AND W/O AN EXECUTED Decl/POA on 23JUL03 *//* MAY NEED NEW DRWS*	CARL ZEISS JENA GmbH / 5003 (US)		AWAITING MP/OA	0	9 Ext/1 Mnth
23 Tue	GK/GK/N/A	ZEI-3216	APPARATUS AND METHOD FOR OPHTHALMOLOGIC SURGICAL PROCEDURES USING A FEMTOSECOND FIBER LASER *FILED W/O AN EXECUTED Decl/POA on 23JUL03 *//* MAY NEED NEW DRWS*	CARL ZEISS JENA GmbH / 5003 (US)		AWAITING MP/OA	0	9 Ext/1 Mnth
24 We	GK/JDS/N/A	AVIANT T-3	ASXCHANGE (TYPED) *NOTICE OF APPROVAL OF EXTENSION REQUEST REC'D DATED 30MAY2003*	AVIANT / 500787 (US)	76/206,998	FILE ITU EXTENSION	0	None
24 We	GK/GK/GK	EIS-1068	HEADPHONES *FILED W/UNSIGNED Decl/POA on 24JUL03*	EISENFUEHR, / 500593 (US)		AWAITING MP/OA	0	9 Ext/1 Mnth
24 We	GK/GK/N/A	SANKY P-234	MANUAL CARD READER	SANKYO SEIKI MFG... / 500615 (US)	10/446,566	MISSING PARTS (2 MO)	0	5 Ext/1 Mnth
24 We	GK/N/A/N/A	ZEI-3188	PRESSURE COMPENSATING DEVICE FOR OPTICAL APPARATUS	CARL ZEISS JENA GmbH / 5003 (US)	10/415,213	RECORDED ASSIGNMENT	0	None
24 We	GK/DPL/N/A	ZEI-3214	IMAGING SYSTEM FOR AN EXTREME ULTRAVIOLET (EUV) BEAM-BASED MICROSCOPE *FILED IN GERMAN LANG. ON 24JUL03*	CARL ZEISS JENA GmbH / 5003 (US)		AWAITING MP/OA	0	9 Ext/1 Mnth
25 Thu	GK/HA/N/A	500939-20002	MULTI-PASS MERGE PROCESS FOR THE CHECK PROCESSING CONTROL SYSTEM	FREEDMAN & STONE	(US) 10/373,354	RECORDED ASSIGNMENT	0	None
25 Thu	GK/N/A/N/A	GEY-1041US	PROCESS FOR ARRANGING AN ANGLE SCALE ON AN INDEX DISK FOR ROTATIONAL MEASUREMENT SYSTEMS AND AN INDEX DISK WITH...	GEYER, WERNER / 500350	(US) 6,293,021	BROADENED REISSUE DL	0	None
25 Thu	GK/N/A/N/A	GEY-1119	PROJECTOR FOR THE SIMULATION OF A SCENE IMAGE WITH CALLIGRAPHIC LIGHTS, PARTICULARLY OF THE VIEW FROM AN AIRCRAFT OR FROM A SHIP *RESUBMITTED 25APR03 re: ASSIGNEE'S NAME (OUR FAULT)*	GEYER, WERNER / 500350	(US) 09/914,137	RECORDED ASSIGNMENT	0	None
25 Thu	GK/JDS/N/A	HIK-980US	SYMBIO-THREE	HIKARI-SAKAE / 500572	(US) 75/458,080	FILE ITU EXTENSION	0	None

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September continued...								
25 Thu	GK/JDS/N/A	HIK-980US	SYMBIO-THREE	HIKARI-SAKAE / 500572	(US) 75/458,080	STATEMENT OF USE	0	5 Ext/6 Mnth
25 Thu	GK/N/A/N/A	OEH-122	ARRANGEMENT AND METHOD FOR GENERATING A PLURALITY OF OPTICAL AXES WHICH ARE ORIENTED IN A DEFINED MANNER RELATIVE TO ONE ANOTHER	OEHMKE & KOLLEGEN / 50081	(US) 6,590,712	RECORDED ASSIGNMENT	0	None
			TO PTO 25APR03 // JENOPTIK LASER, OPTIK, SYSTEME GmbH ASSIGNS THEIR RIGHT TO HILTI AKTIENGESELLSCHAFT					
25 Thu	GK/N/A/N/A	STR-984	SWIVELLING LEVER CONTROL THAT CAN BE PADLOCKED FOR CLOSING SWITCHBOARD CABINET DOORS OR THE LIKE	ERNST STRATMANN / 500638	(US) 6,293,130	BROADENED REISSUE DL	0	None
25 Thu	GK/N/A/N/A	TAN-454	RANGING METHOD USING TELEMETERING AND APPARATUS EMPLOYING SAID METHOD	HIKARI PATENT OFFICE (HIK)	(US) 5,194,869	RECORDED ASSIGNMENT	0	None
			Assignee's Address Change mailed 25MAR03					
25 Thu	GK/DPL/N/A	ZEI-3117	METHOD AND ARRANGEMENT FOR THE SELF-CALIBRATION OF A DIODE PUMPED SOLID STATE LASER, PARTICULARLY A TUNABLE, DIODE PUMPED SOLID STATE LASER	CARL ZEISS JENA GmbH / 5003	(US) 09/834,432	STATUS CHECK	0	None
26 Fri	GK/N/A/N/A	OEH-152	METHOD FOR ENERGY STABLIZATION OF GAS DISCHARGED PUMPED IN SELECTED IMPULSE FOLLOWING DRIVEN BEAM SOURCES	OEHMKE & KOLLEGEN / 50081	(US) 10/360,372	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
			Re-submitted 26JUN03					
26 Fri	GK/N/A/N/A	ZEI-3169	MOTORIZED MICROSCOPE	CARL ZEISS JENA GmbH / 5003	(US) 10/169,227	RECORDED ASSIGNMENT	0	None
27 Sat	GK/N/A/N/A	GEY-1110US	DEVICE FOR THE ATOMISING LIQUID SAMPLES	GEYER, WERNER / 500350	(US) 09/831,985	RESPONSE TO OA	0	3 Ext/1 Mnth
27 Sat	GK/GK/GK	HEF-964	VACUUM CONTROL VALVE	HEFEL & HOFMANN / 500639	(US) 10/607,621	INF DISCLOSURE STMT	0	None
27 Sat	JDS/GK/N/A	HIK2007US	ULALA	HIKARI-SAKAE / 500572	(US) 76/387,387	STATUS CHECK 6mons	0	None
27 Sat	GK/DPL/N/A	SANKY-P-174DIV	ARTICULATED ROBOT	SANKYO SEIKI MFG... / 500615	(US) 10/013,286	FINAL REJECTION	0	3 Ext/1 Mnth
27 Sat	GK/N/A/N/A	SANKY-P-186EPEP	DATA DEMODULATING METHOD	SANKYO SEIKI MFG... / 500615	(EP) 00302462.7	ANNUITY DUE	1	None

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September continued...								
27 Sat	GK/N/A/N/A	SANKY-P-217US	A METHOD OF OVERWRITING DATA IN NONVOLATILE MEMORY AND A CONTROL APPARATUS USED FOR THE METHOD	SANKYO SEIKI MFG... / 500615 (US)	10/152,206	STATUS CHECK 6mons	0	None
27 Sat	GK/N/A/N/A	ZEI-3103CIP	MICROSCOPE FOR REFLECTED- LIGHT AND TRANSMITTED- LIGHT MICROSCOPY	CARL ZEISS JENA GmbH / 5003 (US)	10/359,230	RESPONSE TO OA	0	3 Ext/1 Mnth
28 Sun	GK/JDS/N/A	BUS-773	RADIAL LIFT	BUSE, MENTZEL & LUDEWIG (US)	2,085,306	8/15 ACCEPTED?	0	None
28 Sun	JDS/GK/N/A	HIK-2009	TEPPEKI	HIKARI-SAKAE / 500572 (US)	76/387,385	STATUS CHECK	0	None
28 Sun	GK/JDS/N/A	HIK-649	LDI	K.K.HIKARI JIMUSYO / 501071 (US)	2,091,631	8/15 ACCEPTED?	0	9 Ext/1 Mnth
28 Sun	GK/JDS/N/A	JEN-2052US	CyBi & DESIGN	JENOPTIK GmbH / 500347 (US)	75/901,125	STAT CHECK-MS. KELLY	0	None
			Please check with Ms. Kelly at the Tradmark Office for a status - Petition for Reinstatement					
28 Sun	GK/GK/N/A	SANKY P-234	MANUAL CARD READER	SANKYO SEIKI MFG... / 500615 (US)	10/446,566	CLAIM PRIORITY	0	None
28 Sun	GK/DPL/N/A	ZEI-3076	OPTICAL NEAR-FIELD MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	09/463,202	APPEAL BRIEF	0	5 Ext/1 Mnth
28 Sun	GK/N/A/N/A	ZEI-3137	ARRANGEMENT FOR EVALUATING FLUORESCENCE-BASED ANALYTICAL REACTIONS	CARL ZEISS JENA GmbH / 5003 (US)	09/959,028	STATUS CHECK	0	None
			STATUS REPLY FROM PTO CURRENTLY PROJECT MORE THAN 15 MONTHS FROM THIS DATE 17APRIL2003					
28 Sun	GK/N/A/N/A	ZEI-3191	ARRANGEMENT FOR THE OPTICAL CAPTURE OF EXCITED AND/OR BACK SCATTERED LIGHT BEAM IN A SAMPLE (Anordnung zur optischen Erfassung von in einer Probe angeregter und/oder rückgestreuter Lichtstrahlung)	CARL ZEISS JENA GmbH / 5003 (US)	10/313,649	STATUS CHECK	0	None
29 Mon	GK/N/A/N/A	OEH-143	DIODE LASER ARRANGEMENT WITH A PLURALITY OF DIODE LASER LINES	OEHMKE & KOLLEGEN / 50081 (US)	10/203,221	AMEND PUBLICATION	0	None
29 Mon	GK/DPL/N/A	OEH-156	METHOD FOR STABILIZATION OF THE BEAM POWER OF A PULSE DRIVEN, GAS CHARGE-COUPLED BEAM SOURCE	OEHMKE & KOLLEGEN / 50081 (US)	10/425,301	RECORDED ASSIGNMENT	0	None
29 Mon	GK/DPL/N/A	OEH-156	METHOD FOR STABILIZATION OF THE BEAM POWER OF A PULSE DRIVEN, GAS CHARGE-COUPLED BEAM SOURCE	OEHMKE & KOLLEGEN / 50081 (US)	10/425,301	INF DISCLOSURE STMT	0	None

CONSOLIDATED DOCKET FOR GERALD H. KIEL

Through: 09/15/2003 PRINTED ON: 08/01/2003

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
September continued...								
29 Mon	GK/N/A/N/A	ZEI-3192	METHOD AND ARRANGEMENT FOR DEEPLY RESOLVED OPTICAL DETECTION OF A SAMPLE	CARL ZEISS JENA GmbH / 5003 (US)	10/425,302	RECORDED ASSIGNMENT	0	None
30 Tue	GK/N/A/N/A	GEY-1111	MEDICAL INSTRUMENT FOR PHACOEMULSIFICATION	GEYER, WERNER / 500350 (US)	09/831,130	LETTERS PATENT	0	None
30 Tue	GK/DPL/N/A	OEH-164	ARRANGEMENT FOR CALIBRATING AN OPTICAL DETECTION CHANNEL FOR TWO-DIMENSIONAL MEASUREMENT OF MULLTI-SAMPLE CARRIERS	OEHMKE & KOLLEGEN / 50081 (US)		FILE APPLN - 30SEP03	0	None
30 Tue	GK/N/A/N/A	ZEI-3104	ARRANGEMENT FOR WAVELENGTH-DEPENDENT ADJUSTMENT OF LIGHT BEAM	CARL ZEISS JENA GmbH / 5003 (US)	09/687,124	FORMAL DRAWINGS	0	None
30 Tue	GK/N/A/N/A	ZEI-3104	ARRANGEMENT FOR WAVELENGTH-DEPENDENT ADJUSTMENT OF LIGHT BEAM	CARL ZEISS JENA GmbH / 5003 (US)	09/687,124	ISSUE FEE	0	None
30 Tue	GK/N/A/N/A	ZSP-102	DEVICE FOR HORIZONTAL AND VERTICAL ADJUSTMENT IN GEODETIC DEVICES	GEYER, WERNER / 500350 (US)	09/631,522	ISSUE FEE	0	None
October 2003								
01 We	GK/N/A/N/A	ZEI-3163	SYSTEM FOR MEASURING THE OPTICAL IMAGE QUALITY OF AN EYE IN A CONTACTLESS MANNER	CARL ZEISS JENA GmbH / 5003 (US)	10/129,255	STATUS CHECK 6mons	0	None
03 Fri	GK/N/A/N/A	GEY-1123	JET ENGINE ARRANGEMENT	GEYER, WERNER / 500350 (US)	09/970,525	STATUS CHECK 6mons	0	None
03 Fri	GK/N/A/N/A	HIK-2000	METHOD OF CHANGING AND DELIVERING PERSONAL INFORMATION AND PERSONAL INFORMATION CHANGE AND DELIVERY SYSTEM	HIKARI-SAKAE / 500572 (US)	09/794,585	STATUS CHECK	0	None
03 Fri	GK/N/A/N/A	ZEI-3187	ARRANGEMENT FOR THE MANUFACTURE OF A RELEASABLE CONNECTION OF AT LEAST ONE LIGHT CONDUCTING FIBER WITH AN OPTICAL ELEMENT	CARL ZEISS JENA GmbH / 5003 (US)	10/294,294	STATUS CHECK	0	None
03 Fri	GK/N/A/N/A	ZEI-3189	ARRANGEMENT FOR THE MANUAL ADJUSTMENT OF A FOCUS POSITION ON MICROSCOPES	CARL ZEISS JENA GmbH / 5003 (US)	10/433,702	RECORDED ASSIGNMENT	0	None

CONSOLIDATED DOCKET FOR GERALD H. KIEL

Through: 10/15/2003 PRINTED ON: 08/29/2003

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
September continued...								
30 Tue	GK/DPL/N/A	OEH-164	ARRANGEMENT FOR CALIBRATING AN OPTICAL DETECTION CHANNEL FOR TWO-DIMENSIONAL MEASUREMENT OF MULLTI-SAMPLE CARRIERS	OEHMKE & KOLLEGEN / 50081 (US)		FILE APPLN - 30SEP03	0	None
30 Tue	GK/N/A/N/A	STR-1000	ELECTRICALLY BLOCKABLE SWIVELING LEVER CONTROL	ERNST STRATMANN / 500638 (US)	10/239,611	AMEND PUBLICATION	0	None
30 Tue	GK/N/A/N/A	ZEI-3104	ARRANGEMENT FOR WAVELENGTH-DEPENDENT ADJUSTMENT OF LIGHT BEAM	CARL ZEISS JENA GmbH / 5003 (US)	09/687,124	FORMAL DRAWINGS	0	None
30 Tue	GK/N/A/N/A	ZEI-3104	ARRANGEMENT FOR WAVELENGTH-DEPENDENT ADJUSTMENT OF LIGHT BEAM	CARL ZEISS JENA GmbH / 5003 (US)	09/687,124	ISSUE FEE	0	None
30 Tue	GK/N/A/N/A	ZEI-3191	ARRANGEMENT FOR THE OPTICAL CAPTURE OF EXCITED AND/OR BACK SCATTERED LIGHT BEAM IN A SAMPLE (Anordnung zur optischen Erfassung von in einer Probe angeregter und/oder rückgestreuter Lichtstrahlung)	CARL ZEISS JENA GmbH / 5003 (US)	10/313,649	AMEND PUBLICATION	0	None
30 Tue	GK/DPL/N/A	ZEI-3212	UNKNOWN	CARL ZEISS JENA GmbH / 5003 (US)		FILE APPLN - 30SEP03	0	None
30 Tue	GK/N/A/N/A	ZSP-102	DEVICE FOR HORIZONTAL AND VERTICAL ADJUSTMENT IN GEODETIC DEVICES	GEYER, WERNER / 500350 (US)	09/631,522	ISSUE FEE	0	None
October 2003								
01 We	GK/N/A/N/A	ZEI-3163	SYSTEM FOR MEASURING THE OPTICAL IMAGE QUALITY OF AN EYE IN A CONTACTLESS MANNER	CARL ZEISS JENA GmbH / 5003 (US)	10/129,255	STATUS CHECK 6mons	0	None
02 Thu	GK/DPL/N/A	OEH-161	ARRANGEMENT AND METHOD FOR IMAGE GENERATION, STIMULATION, MEASUREMENT AND THERAPY, PARTICULARLY FOR THE EYE	OEHMKE & KOLLEGEN / 50081 (US)	10/250,498	FILG RCPT STATUS CHK	0	9 Ext/1 Mnth
03 Fri	GK/N/A/N/A	GEY-1123	JET ENGINE ARRANGEMENT	GEYER, WERNER / 500350 (US)	09/970,525	STATUS CHECK 6mons	0	None
03 Fri	GK/N/A/N/A	HIK-2000	METHOD OF CHANGING AND DELIVERING PERSONAL INFORMATION AND PERSONAL INFORMATION CHANGE AND DELIVERY SYSTEM	HIKARI-SAKAE / 500572 (US)	09/794,585	STATUS CHECK	0	None

CONSOLIDATED DOCKET FOR GERALD H. KIEL

Through: 10/15/2003 PRINTED ON: 08/29/2003

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
October continued...								
03 Fri	GK/N/A/N/A	ZEI-3187	ARRANGEMENT FOR THE MANUFACTURE OF A RELEASABLE CONNECTION OF AT LEAST ONE LIGHT CONDUCTING FIBER WITH AN OPTICAL ELEMENT	CARL ZEISS JENA GmbH / 5003 (US)	10/294,294	STATUS CHECK	0	None
03 Fri	GK/N/A/N/A	ZEI-3189	ARRANGEMENT FOR THE MANUAL ADJUSTMENT OF A FOCUS POSITION ON MICROSCOPES	CARL ZEISS JENA GmbH / 5003 (US)	10/433,702	RECORDED ASSIGNMENT	0	None
03 Fri	GK/HA/N/A	ZEI-3195	ARRANGEMENT FOR COUPLING ON OF LIGHT IN A MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	10/613,394	INF DISCLOSURE STMT	0	None
04 Sat	GK/N/A/N/A	CAS-101	SHIP HULL	CASATI, Wilhelm / 500335 (US)	6,112,687	ENTITY STATUS?	0	9 Ext/1 Mnth
			CAN ASSIGNEE CLAIM SMALL ENTITY STATUS?					
04 Sat	GK/N/A/N/A	CAS-101	SHIP HULL	CASATI, Wilhelm / 500335 (US)	6,112,687	LETTERS PATENT	0	9 Ext/1 Mnth
04 Sat	GK/N/A/N/A	OEH-136	METHOD AND DEVICE FOR COLLECTING FRACTIONS AFTER MATERIAL SEPARATION	OEHMKE & KOLLEGEN / 50081 (US)	10/169,449	CORRECT OF FLG RCPT	0	None
			REQUEST mailed 4FEB03 / PTO FAULT - 5th INV'S FIRST NAME MISSPELLED					
05 Sun	GK/RMB/N/A	BEN 123US	I DREAMT	BENTLEY LINGERIE, INC./5010 (US)	1,797,102	RENEWAL	0	1 Ext/6 Mnth
05 Sun	GK/N/A/N/A	OEH-154	ARRANGEMENT FOR THE SUPPRESSION OF PARTICLE EMISSION IN THE GENERATION OF RADAITION BASED ON HOT PLASMA	OEHMKE & KOLLEGEN / 50081 (US)	10/407,394	PUBLICATION	0	None
05 Sun	GK/N/A/N/A	ZEI-3178	SYSTEM AND METHOD FOR ANALYSING ACTIVE INGREDIENTS DESIGNED TO INFLUENCE INTRA-CELLULAR PROCESSES	CARL ZEISS JENA GmbH / 5003 (US)	10/221,953	CORRECT OF FLG RCPT	0	9 Ext/1 Mnth
			PTO's FAULT (Omitted 1st name (Omar) of third inventor. REQUEST mailed 5AUG03					
06 Mon	JDS/GK/JDS	355780-00005	GAME GONE WILD	MANTRA FILMS, INC. (US)	76/385,250	ANSWER / OTHER SIDE	0	None
06 Mon	GK/JDS/N/A	EIS-1059	HiDyn plus and Design	EISENFUEHR, / 500593 (US)	76/487,907	STATUS CHECK	0	None
06 Mon	GK/DPL/N/A	HEF-946	VACUUM VALVE	HEFEL & HOFMANN / 500639 (US)	09/759,025	LETTERS PATENT	0	9 Ext/1 Mnth
06 Mon	HA/GK/N/A	ZEI-1011D-3	LASER SCANNING MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	09/677,685	LETTERS PATENT	0	9 Ext/1 Mnth

CONSOLIDATED DOCKET FOR GERALD H. KIEL

Through: 10/15/2003 PRINTED ON: 08/29/2003

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT		REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
October continued...									
06 Mon	GK/DPL/N/A	ZEI-3076	OPTICAL NEAR-FIELD MICROSCOPE *REQ mailed 6AUG03 (re: FEES ($840.) for Notice of Appeal & 3rd Mon.Ext. ***Note: We may not get the refund*** PTO NOTICE 11AUG03 RCVD, sent for review and processing*	CARL ZEISS JENA GmbH / 5003	(US)	09/463,202	CREDIT.DEP.ACCOUNT	0	9 Ext/1 Mnth
06 Mon	GK/N/A/N/A	ZEI-3103DIV	MICROSCOPE FOR REFLECTED- LIGHT AND TRANSMITTED- LIGHT MICROSCOPY	CARL ZEISS JENA GmbH / 5003	(US)	10/359,230	STATUS CHECK 6mons	0	None
07 Tue	GK/N/A/N/A	BUE-106	DOUBLE-SHELL DRYER *Missing Requirements (2 Month) Executed Oath or declaration of the inventors*	BUEHLER AG / 500647	(US)	10/380,416	MISSING REQUIR (2MO)	0	4 Ext/1 Mnth
07 Tue	GK/DPL/N/A	EIS-1064	METHOD AND SWITCHING ARRANGEMENT FOR CODING AND DECODING DATA (BASE-BAND MODULATOR) *The oath or declaration is unsigned*	EISENFUEHR, / 500593	(US)	10/461,233	MISSING PARTS (2 MO)	0	4 Ext/1 Mnth
07 Tue	GK/N/A/N/A	OEH-148	METHOD FOR GENERATING EXTREME ULTRA VIOLET RADIATION BASED ON A RADIATION- EMITTING PLASMA	OEHMKE & KOLLEGEN / 50081	(US)	10/357,173	AMEND PUBLICATION	0	None
07 Tue	GK/N/A/N/A	OEH-149	ARRANGEMENT FOR THE WORKING OF THREE-DIMENSIONAL, EXPANDABLE UPPER SURFACES OF WORK PIECES BY MEANS OF A LASER	OEHMKE & KOLLEGEN / 50081	(US)	10/357,174	AMEND PUBLICATION	0	None
07 Tue	GK/DPL/N/A	PWT=-164US	CONSTRUCTION OF CANISTER-TYPE FILTERS	PWT=LIFEFLO, INC	(US)	5,102,542	3RD MAINT FEE DUE	0	1 Ext/6 Mnth
07 Tue	GK/N/A/N/A	SANKY P-232	ROTARY SHAFT MOTOR	SANKYO SEIKI MFG... / 500615	(US)	10/386,773	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
07 Tue	GK/N/A/N/A	SANKY-P-231	VALVE DRIVING DEVICE	SANKYO SEIKI MFG... / 500615	(US)	10/360,389	STATUS CHECK	0	None
07 Tue	GK/HA/N/A	ZEI-3048DIV	PROCESS FOR CONTROLLING A LASER SCANNING MICROSCOPE WITH A TILTABLE FINE FOCUSING STAGE *Replacement drawings are required*	CARL ZEISS JENA GmbH / 5003	(US)	10/461,769	MISSING PARTS (2 MO)	0	5 Ext/1 Mnth
07 Tue	GK/N/A/N/A	ZEI-3171	OBJECTIVE LENS *The oath or declaration is missing*	CARL ZEISS JENA GmbH / 5003	(US)	10/443,352	MISSING PARTS (2 MO)	0	4 Ext/1 Mnth
07 Tue	GK/N/A/N/A	ZEI-3172US	DEVICE AND METHOD FOR CONTROLLING AN INTERCHANGEABLE CARTRIDGE FOR MICROSCOPES	CARL ZEISS JENA GmbH / 5003	(US)	10/220,520	AMEND PUBLICATION	0	None

CONSOLIDATED DOCKET FOR GERALD H. KIEL

Through: 10/15/2003 PRINTED ON: 08/29/2003

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
October continued...								
08 We	HA/GK/N/A	881911-20001	CHUCKERS MULTILEVEL CHECKERS GAME	881911/	(US) 6,588,752	W/DRAWAL AS ATTORNEY	0	9 Ext/1 Mnth
			*WHEN APPROVAL from PTO COMES IN, REMOVE ALL MFEE DUE DATES *//* REQUEST FOR WITHDRAWAL AS ATTORNEY filed 8AUG03*					
08 We	GK/RMB/JDS	CUREL T-5US	TAURUS	DR. ING. M. CURELL SUNOL IIS	(US) 75/569,315	FILE ITU EXTENSION	0	None
08 We	GK/RMB/JDS	CUREL T-5US	TAURUS	DR. ING. M. CURELL SUNOL IIS	(US) 75/569,315	STATEMENT OF USE	0	5 Ext/6 Mnth
08 We	GK/N/A/N/A	HEF-958	SEAL ARRANGEMENT FOR A VACUUM VALVE	HEFEL & HOFMANN / 500639	(US) 10/185,479	STATUS CHECK 6mons	0	None
08 We	JDS/GK/N/A	HIK-2001	GENOMONE	HIKARI-SAKAE / 500572	(US) 76/264,490	STATEMENT OF USE	0	4 Ext/6 Mnth
08 We	JDS/GK/N/A	HIK-2001	GENOMONE	HIKARI-SAKAE / 500572	(US) 76/264,490	FILE ITU EXTENSION	0	None
			NOTICE OF APPROVAL OF EXTENSION REQUEST REC'D DATED 29MAY2003					
08 We	GK/HA/N/A	SANKY P-237	BARCODE AND ITS READING DEVICE	SANKYO SEIKI MFG... / 500615	(US) 10/462,485	MISSING PARTS (2 MO)	0	5 Ext/1 Mnth
			The oath or declaration is missing					
08 We	GK/N/A/N/A	SANKY-P-203	WINDING CORE HOLDING MECHANISM, ROLL MEDIUM HOLDING DEVICE HAVING THE SAME, AND WINDING DEVICE USING SAID MECHANISM AND DEVICE	SANKYO SEIKI MFG... / 500615	(US) 6,491,252	LETTERS PATENT	0	9 Ext/1 Mnth
			REPLY TO THE NOTICE OF NON-RECORDATION OF DOCUMENT mailed 8AUG03					
08 We	GK/DPL/N/A	ZEI-3194	ARRANGEMENT AND METHOD FOR POLARIZED, OPTICAL INTERFERENCE CONTRAST	CARL ZEISS JENA GmbH / 5003	(US) 10/425,303	FILG RCPT from MP	0	9 Ext/1 Mnth
08 We	GK/GK/GK	ZEI-3198	REFLECTOR TURRET FOR AN INVERTED MICROSCOPE	CARL ZEISS JENA GmbH / 5003	(US) 10/398,632	FILG RCPT from MP	0	9 Ext/1 Mnth
09 Thu	GK/N/A/N/A	OEH-128US	ARRANGEMENT AND METHOD FOR DETERMINING THE REFLECTANCE OF SELECTED MEASUREMENT LOCATIONS OF MEASUREMENT OBJECTS REFLECTING IN A SPECTRICALLY DEPENDENT MANNER	OEHMKE & KOLLEGEN / 50081	(US) 10/120,863	STATUS REQUEST	0	None
09 Thu	GK/N/A/N/A	OEH-144US	ARRANGEMENT FOR GENERATING EXTREME ULTRAVIOLET (EUV) RADIATION BASED ON A GAS DISCHARGE	OEHMKE & KOLLEGEN / 50081	(US) 10/267,373	STATUS CHECK 6 mons	0	None

CONSOLIDATED DOCKET FOR GERALD H. KIEL

Through: 10/15/2003 PRINTED ON: 08/29/2003

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
October continued...								
09 Thu	GK/N/A/N/A	STR-986	PIVOTING LEVER CLOSURE FOR DOOR, SIDEWALL OR THE LIKE OF AN ELECTRICAL CONTROL CABINET, A MACHINE CASING OR THE LIKE	ERNST STRATMANN / 500638 (US)	6,298,697	BROADENED REISSUE DL	0	None
09 Thu	GK/N/A/N/A	ZEI-3055	PROCESS AND ARRANGEMENT FOR THE DEVICE CONFIGURATION OF CONFOCAL MICROSCOPES	CARL ZEISS JENA GmbH / 5003 (US)	6,300,639	BROADENED REISSUE DL	0	None
09 Thu	GK/HA/N/A	ZEI-3204	SLIDABLE OPTICS IN A MSCRSCOPE ILLUMINATION, PARTICULARLY A SLIDABLE COLLECTOR ELEMENT	CARL ZEISS JENA GmbH / 5003 (US)	10/615,698	FILG RCPT STATUS CHK	0	9 Ext/1 Mnth
09 Thu	GK/HA/N/A	ZEI-3204	SLIDABLE OPTICS IN A MSCRSCOPE ILLUMINATION, PARTICULARLY A SLIDABLE COLLECTOR ELEMENT	CARL ZEISS JENA GmbH / 5003 (US)	10/615,698	INF DISCLOSURE STMT	0	9 Ext/1 Mnth
09 Thu	GK/?RE/N/A	ZSP-105	METHOD FOR DETERMINING THE EDGE POSITION IN COLOR IMAGES, PARTICULARLY FOR COLOR AND INTENSITY TRANSITIONS	ZSP GEODAETISCH / 500346 (US)	09/641,749	RESPONSE TO OA	0	3 Ext/1 Mnth
10 Fri	GK/JDS/N/A	EIS-1017	EVOLUTION	EISENFUEHR, / 500593 (US)	75/418,388	REPLY TO SUSPENDED	0	None
10 Fri	GK/N/A/N/A	OEH-138	ARRANGEMENT FOR PUMPING AN ANISOTROPIC LASER CRYTAL	OEHMKE & KOLLEGEN / 50081 (US)	10/268,321	ASSIGN RCVD	0	None
10 Fri	GK/N/A/N/A	OEH-138	ARRANGEMENT FOR PUMPING AN ANISOTROPIC LASER CRYTAL	OEHMKE & KOLLEGEN / 50081 (US)	10/268,321	STATUS CHECK 6mons	0	None
10 Fri	GK/N/A/N/A	ZEI-3152US	FLUORESCENCE MICROSCOPE *CHANGE OF ADDRESS mailed 17DEC02*	CARL ZEISS JENA GmbH / 5003 (US)	10/049,548	STATUS CHECK (6Mons)	0	None
10 Fri	GK/N/A/N/A	ZEI-3173US	OPTICAL COHERENCE INTERFEROMETRY AND COHERENCE TOMOGRAPHY WITH SPATIALLY PARTIALLY COHERENT LIGHT SOURCES	CARL ZEISS JENA GmbH / 5003 (US)	10/257,420	STATUS CHECK 6mons	0	None
10 Fri	GK/N/A/N/A	ZEI-3177US	MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	10/257,422	STATUS CHECK 6mons	0	None
10 Fri	GK/N/A/N/A	ZEI-3180US	OPTHALMOLOGIC EXAMINATION INSTRUMENT	CARL ZEISS JENA GmbH / 5003 (US)	10/268,319	STATUS CHECK 6mons	0	None

CONSOLIDATED DOCKET FOR GERALD H. KIEL

Through: 10/15/2003 PRINTED ON: 08/29/2003

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
October continued...								
10 Fri	GK/DPL/N/A	ZEI-3193	ILLUMINATION DEGICE FOR MISCROSCOPES	CARL ZEISS JENA GmbH / 5003 (US)	10/340,293	INF DISCLOSURE STMT	0	None
10 Fri	GK/N/A/N/A	ZEI-3202	OPTICAL ARRANGEMENT FOR OBTAINING INFORMATION FROM A SAMPLE OR AN OBSERVED OBJECT	CARL ZEISS JENA GmbH / 5003 (US)	10/458,699	RECORDED ASSIGNMENT	0	None
11 Sat	GK/N/A/N/A	GRA-103	PROCES FOR PRODUCING A HIGH TEMPERATURE STABLE FIBER REINFORCED CERAMIC	GRAPE & Schwarzensteiner / 50 (US)	10/053,211	RECORDED ASSIGNMENT	0	None
11 Sat	GK/N/A/N/A	OEH-116	DIODE-PUMPED LASER AMPLIFIER	OEHMKE & KOLLEGEN / 50081 (US)	09/939,401	ISSUE FEE	0	None
11 Sat	GK/N/A/N/A	OEH-116	DIODE-PUMPED LASER AMPLIFIER	OEHMKE & KOLLEGEN / 50081 (US)	09/939,401	FORMAL DRAWINGS	0	None
11 Sat	GK/N/A/N/A	ZEI-3036US	COAXIAL DRIVE FOR THE OBJECT STAGE OF A MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	6,049,420	Tax 3.5	0	None
11 Sat	GK/N/A/N/A	ZEI-3036US	COAXIAL DRIVE FOR THE OBJECT STAGE OF A MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	6,049,420	1ST MAINT FEE DUE	0	1 Ext/6 Mnth
12 Sun	GK/N/A/N/A	SANKY P-236	POWER SUPPLY CONTROL CIRCUIT	SANKYO SEIKI MFG... / 500615 (US)	10/462,488	MISSING PARTS (2 MO)	0	5 Ext/1 Mnth
12 Sun	GK/N/A/N/A	SANKY-P-216US	MOTOR AND METHOD OF MANUFACTURING THE SAME	SANKYO SEIKI MFG... / 500615 (US)	10/121,984	STATUS CHECK	0	None
12 Sun	GK/DPL/N/A	ZEI-3201	ARRANGEMENT FOR POLARIZATION OF LIGHT	CARL ZEISS JENA GmbH / 5003 (US)	10/411,663	PUBLICATION	0	None
13 Mon	GK/DPL/N/A	OEH-159	METHOD FOR INTRODUCING A WEAKENED LINE OF REDUCED TEAR RETENTION IN AN AIR BAG COVER AND THE RESULTANT MANUFACTURED AIRBAG COVER	OEHMKE & KOLLEGEN / 50081 (US)	10/461,232	RECORDED ASSIGNMENT	0	None
13 Mon	GK/DPL/N/A	ZEI-3103	MICROSCOPE FOR REFLECTED- LIGHT AND TRANSMITTED- LIGHT MICROSCOPY	CARL ZEISS JENA GmbH / 5003 (US)	09/658,321	STATUS CHECK	0	9 Ext/1 Mnth
13 Mon	GK/HA/N/A	ZEI-3199	MICROSCOPE, ESPECIALLY INVERTED MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	10/398,841	FILING RCPT - MP	0	9 Ext/1 Mnth
14 Tue	GK/N/A/N/A	BUE-106	DOUBLE-SHELL DRYER	BUEHLER AG / 500647 (US)	10/380,416	FILG RCPT STATUS CHK	0	None

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October continued...								
14 Tue	GK/DPL/N/A	HEF-963	LOCKING ARRANGMENT FOR INTRODUCTION OF SUBSTRATES IN A VACUUM CHAMBER	HEFEL & HOFMANN / 500639 (US)	10/619,391	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
14 Tue	GK/DPL/N/A	HEF-963	LOCKING ARRANGMENT FOR INTRODUCTION OF SUBSTRATES IN A VACUUM CHAMBER	HEFEL & HOFMANN / 500639 (US)	10/619,391	FILG RCPT STATUS CHK	0	9 Ext/1 Mnth
14 Tue	GK/N/A/N/A	OEH-158	METHOD AND DEVICE FOR DETECTING NEUROLOGICAL AND PSYCHO-PHYSIOLOGICAL STATES	OEHMKE & KOLLEGEN / 50081 (US)	10/416,395	MISSING PARTS (2 MO)	0	5 Ext/1 Mnth
14 Tue	GK/DPL/N/A	OEH-160	METHOD FOR JOINING PLASTIC COMPONENTS BY MEANS OF A LASER BEAM	OEHMKE & KOLLEGEN / 50081 (US)	10/619,392	FILG RCPT STATUS CHK	0	9 Ext/1 Mnth
14 Tue	GK/DPL/N/A	OEH-160	METHOD FOR JOINING PLASTIC COMPONENTS BY MEANS OF A LASER BEAM	OEHMKE & KOLLEGEN / 50081 (US)	10/619,392	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
14 Tue	GK/N/A/N/A	SANKY-P-231	VALVE DRIVING DEVICE	SANKYO SEIKI MFG... / 500615 (US)	10/360,389	AMEND PUBLICATION	0	None
14 Tue	GK/N/A/N/A	STR-1001	LOCK FOR ASSEMBLY IN AN OPENING IN A THIN WALL	ERNST STRATMANN / 500638 (US)	10/240,808	AMEND PUBLICATION	0	None
14 Tue	GK/N/A/N/A	ZEI-3092	ARRANGEMENT FOR OPTIMIZING THE PULSE SHAPE IN A LASER SCANNING MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	09/607,643	STATUS CHECK (6Moms)	0	None
15 We	GK/N/A/N/A	OEH-127US	TIP MAGIZINE	OEHMKE & KOLLEGEN / 50081 (US)	10/089,284	STATUS CHECK	0	None
15 We	GK/N/A/N/A	SANKY P-200DIV-1	MANUAL IC CARD READER AND MANUAL CARDREADER	SANKYO SEIKI MFG... / 500615 (US)	10/439,651	INF DISCLOSURE STMT	0	None
15 We	GK/N/A/N/A	ZEI-3168	SYSTEM AND METHOD FOR CONTROLLING AND/OR DISPLAYING MICROSCOPE FUNCTIONS	CARL ZEISS JENA GmbH / 5003 (US)	10/149,057	STATUS CHECK 6mons	0	None

CALL-UP DATES The following items are due beyond the current print through date of 10/15/2003. A "regular" docket will always print advanced call-ups.

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October 2003								
16 Thu	GK/N/A/N/A	EIS-1043	CHIN LOOP HEADSET *PET. TO ACCEPT LATE PRI.DOC. And FEE filed 16MAY03 *//* GRANTED: Y / N Dated:*	EISENFUEHR, / 500593	(US) 09/939,402	PRIORITY DOCUMENT	0	None
16 Thu	GK/JDS/N/A	EIS-1063	KICK-OUT	EISENFUEHR, / 500593	(US) 78/238,384	CONVENTIONS ENDS	0	None
16 Thu	GK/N/A/N/A	HIK-203	SIDE-MULTI-LAMP TYPE ON-LINE INSIDE-QUALITY INSPECTING DEVICE	HIKARI PAT.OFF. / 500572	(US) 10/019,107	ISSUE FEE	0	None
16 Thu	GK/HA/N/A	OEH-155	DEVICE FOR FULLY AUTOMATED SOLID PHASE EXTRACTION	OEHMKE & KOLLEGEN / 50081	(US) 10/362,395	INF DISCLOSURE STMT	0	None
16 Thu	GK/HA/N/A	OEH-155	DEVICE FOR FULLY AUTOMATED SOLID PHASE EXTRACTION	OEHMKE & KOLLEGEN / 50081	(US) 10/362,395	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
16 Thu	GK/N/A/N/A	SANKY-P-125CUS-2	A FLUID SEALING DEVICE FOR USE WITH A MOTOR FOR ROTATING A DISC DRIVE	SANKYO SEIKI MFG... / 500615	(US) 6,302,586	BROADENED REISSUE DL	0	None
16 Thu	GK/N/A/N/A	ZAF-101US	MAGNETIC RESONANCE SENSOR	HOCHSCHULE FUER TECHNIK	(US) 6,304,075	BROADENED REISSUE DL	0	None
16 Thu	GK/N/A/N/A	ZEI-3151	METHOD FOR INVESTIGATING A SAMPLE (Verfahren zur Untersuchung von Probe)	CARL ZEISS JENA GmbH / 5003	(US) 10/057,571	PUBLICATION	0	None
16 Thu	GK/N/A/N/A	ZEI-3179	ARRANGEMENT AND METHOD FOR THE FOCUS CONTROL OF A MICROSCOPE WITH DIGITAL IMAGE FORMATION, PREFERABLY A CONFOCAL MICROSCOPE	CARL ZEISS JENA GmbH / 5003	(US) 10/243,238	STATUS REQUEST	0	None
16 Thu	GK/DPL/N/A	ZEI-3200	DEVICE FOR PROTECTING AGAINST HUMIDITY IN AN INVERTED MISCRSCOPE	CARL ZEISS JENA GmbH / 5003	(US) 10/398,617	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
17 Fri	GK/N/A/N/A	EIS-1043	CHIN LOOP HEADSET *PET. TO ACCEPT LATE PRI.DOC. And FEE filed 16MAY03*	EISENFUEHR, / 500593	(US) 09/939,402	LETTERS PATENT	0	None
17 Fri	GK/N/A/N/A	GRA-101D	MOVABLE STRUCTURAL COMPONENT FOR A THERMOMECHANICALLY STRESSED ASSEMBLY AS WELL AS A PROCESS FOR PRODUCING....	GRAPE & Schwarzensteiner / 50	(US) 09/684,048	LETTERS PATENT	0	None
17 Fri	GK/N/A/N/A	OEH-146	ARRANGEMENT FOR STORING AND TRANSPORTING AT LEAST ONE OPTICAL COMPONENT	OEHMKE & KOLLEGEN / 50081	(US) 10/321,170	STATUS CHECK	0	None

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October continued...									
17 Fri	GK/DPL/N/A	OEH-157	METHOD FOR THE WORKING OF A DIVIDING MIDDLE LAYER ON A CARRIER MATERIAL	OEHMKE & KOLLEGEN / 50081	(US)	10/419,015	RECORDED ASSIGNMENT	0	None
17 Fri	GK/N/A/N/A	ZEI-3099C	METHOD FOR THE DETECTION OF DYES IN FLUORESCENCE MICROSCOPY	CARL ZEISS JENA GmbH / 5003	(US)	10/419,077	STATUS CHECK	0	None
17 Fri	GK/N/A/N/A	ZEI-3165US	ARRANGEMENTS FOR COHERENCE TOPOGRAPHIC RAY TRACING ON THE EYE	CARL ZEISS JENA GmbH / 5003	(US)	10/167,130	STATUS CHECK (6Mons)	0	None
			STATUS mailed 17DEC02 STATUS REPLY REC'D DATED 30DEC2002 EXPECT ACTION ABOUT 4MONTHS FROM DATE REC'D 30DEC2002						
17 Fri	GK/HA/N/A	ZEI-3196	MICROSCOPE WITH POSITION RECOGNITION OF CHANGING OPTICAL ELEMENTS	CARL ZEISS JENA GmbH / 5003	(US)	10/419,016	PUBLICATION	0	None
18 Sat	JDS/GK/N/A	ASH-257	LOVE LETTERS & DESIGN	ASHI DIAMONDS, INC.	(US)	78/183,302	RESPONSE TO OA	0	None
18 Sat	GK/DPL/N/A	CAS-102	PROCESS AND DEVICE FOR THE LUBRICATION OF A RAILROAD TRACK WITH VIGNOLE- TYPE RAILS	CASATI, Wilhelm / 500335	(US)	09/617,164	LETTERS PATENT	0	9 Ext/1 Mnth
18 Sat	GK/GK/GK	EIS-1066	MICROPHONE	EISENFUEHR, / 500593	(US)	10/623,204	INF DISCLOSURE STMT	0	None
18 Sat	GK/DPL/N/A	GEY-1122	CARBON REINFORCEMENTS, IN PARTICULAR FOR USE IN CARBON-FIBER REINFORCED MATERIALS, AND A METHOD OF GENERATING INTERNAL PROTECTION AGAINST OXIDATION IN CARBON REINFORCEMENTS	GEYER, WERNER / 500350	(US)	09/982,661	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
			(ASSIGNMENT from MAN TECHNOLOGIE AKTIENGESELLSCHAFT Back to the INVENTORS) (NOTE: this assignment goes to Geyer not to the Inventors)						
18 Sat	GK/DPL/N/A	OEH-157	METHOD FOR THE WORKING OF A DIVIDING MIDDLE LAYER ON A CARRIER MATERIAL	OEHMKE & KOLLEGEN / 50081	(US)	10/419,015	PUBLICATION	0	None
18 Sat	GK/N/A/N/A	ZEI-3160US	DEVICE FOR HOLDING OPTICAL COMPONENTS	CARL ZEISS JENA GmbH / 5003	(US)	10/116,181	RESPONSE TO OA	0	3 Ext/1 Mnth
20 Mon	GK/RMB/N/A	BEN 135US	ESLEEP JAMMIES	BENTLEY LINGERIE, INC./5010	(US)	2,198,970	Aff of Use - 5 Year	0	None
20 Mon	GK/N/A/N/A	OEH-153	DETECTOR ARRANGEMENT FOR ENERGY MEASUREMENT OF PULSED X-RAY RADIATION	OEHMKE & KOLLEGEN / 50081	(US)	10/393,930	RECORDED ASSIGNMENT	0	None

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October continued...									
20 Mon	GK/N/A/N/A	OEH-153	DETECTOR ARRANGEMENT FOR ENERGY MEASUREMENT OF PULSED X-RAY RADIATION	OEHMKE & KOLLEGEN / 50081	(US)	10/393,930	INF DISCLOSURE STMT	0	None
20 Mon	GK/N/A/N/A	ZEI-3184	METHOD FOR COUINTING PHOTONS IN LASER-SCANNING SYSTEMS	CARL ZEISS JENA GmbH / 5003	(US)	10/381,090	RECORDED ASSIGNMENT	0	None
21 Tue	JG/GK/N/A	GEY-1083C-2	ARRANGEMENT OF NUCLEIC ACID SEQUENCES AND THEIR USE	GEYER, WERNER / 500350	(US)	10/334,448	STATUS CHECK 6mons	0	None
21 Tue	GK/N/A/N/A	SANKY-P-174EP	ARTICULATED ROBOT	SANKYO SEIKI MFG... / 500615	(EP)	0 913 236	ANNUITY DUE	0	1 Ext/6 Mnth
21 Tue	GK/N/A/N/A	SANKY-P-174EP/DIV/DEDE	ARTICULATED ROBOT	SANKYO SEIKI MFG... / 500615	(DE)	698 06 326.	ANNUITY DUE	0	None
21 Tue	GK/N/A/N/A	SANKY-P-174EP/DIV/FRFR	ARTICULATED ROBOT	SANKYO SEIKI MFG... / 500615	(FR)	01 122 439.1	ANNUITY DUE	0	1 Ext/6 Mnth
21 Tue	GK/N/A/N/A	SANKY-P-174EP/DIV/UKGB	ARTICULATED ROBOT	SANKYO SEIKI MFG... / 500615	(GB)	01 122 439.1	ANNUITY DUE	0	1 Ext/6 Mnth
21 Tue	GK/N/A/N/A	SANKY-P-174EPO/DIVEP	ARTICULATED ROBOT	SANKYO SEIKI MFG... / 500615	(EP)	01 122 439.1	ANNUITY DUE	0	1 Ext/6 Mnth
21 Tue	GK/DPL/N/A	ZEI-3174PCT	LAMP HOUSING *Examination Report from PCT*	CARL ZEISS JENA GmbH / 5003	(WO	PCT/IB02/0235	Examination Report f	0	None
21 Tue	GK/DPL/N/A	ZEI-3174PCT	LAMP HOUSING	CARL ZEISS JENA GmbH / 5003	(WO	PCT/IB02/0235	NTL PHASE/28M	0	None
22 We	GK/DPL/N/A	GRA-101	MOVABLE STRUCTURAL COMPONENT FOR A THERMOMECHANICALLY STRESSED ASSEMBLY AS WELL AS A PROCESS FOR PRODUCING THE STRUCTURAL COMPONENT	GRAPE & Schwarzensteiner / 50	(US)	09/265,134	AWAITING ALOWABILITY	0	None
22 We	GK/DPL/N/A	RAU-975	OPEN-CELL EXPANDED CERAMIC WITH A HIGH LEVEL OF STRENGTH, AND PROCESS FOR THE PRODUCTION THEREOF	MARION RAUSCHENBACH / 50	(US)	09/194,697	LETTERS PATENT	0	9 Ext/1 Mnth
22 We	GK/N/A/N/A	SANKY P-219	MOTOR	SANKYO SEIKI MFG... / 500615	(US)	10/154,336	LETTERS PATENT	0	9 Ext/1 Mnth

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October continued...								
22 We	GK/N/A/N/A	SANKY-P-231	VALVE DRIVING DEVICE	SANKYO SEIKI MFG... / 500615 (US)	10/360,389	RECORDED ASSIGNMENT	0	None
22 We	JDS/GK/N/A	STR 998US	DIRAK in Red and Blue Color Design *CERTIFIED COPY OF FOREIGN REGISTRATION TO BE FILED*	ERNST STRATMANN / 500638 (US)	76/319,531	RESPONSE TO OA	0	None
22 We	GK/N/A/N/A	ZEI-3171	OBJECTIVE LENS *Re: TITLE and SPEC????*	CARL ZEISS JENA GmbH / 5003 (US)	10/443,352	PREL. AMDT NEEDED?	0	None
22 We	GK/N/A/N/A	ZEI-3171	OBJECTIVE LENS	CARL ZEISS JENA GmbH / 5003 (US)	10/443,352	INF DISCLOSURE STMT	0	None
22 We	GK/N/A/N/A	ZEI-3171	OBJECTIVE LENS	CARL ZEISS JENA GmbH / 5003 (US)	10/443,352	PUBLISH AS AMENDED	0	None
22 We	GK/N/A/N/A	ZEI-3186US	GAS SAMPLE CONTAINER FOR A GAS ANALYZER	CARL ZEISS JENA GmbH / 5003 (US)	10/302,180	RESPONSE TO OA	0	3 Ext/1 Mnth
23 Thu	GK/DPL/N/A	EIS-1030US	CLAMPING HOLDER	EISENFUEHR, / 500593 (US)	6,305,654	BROADENED REISSUE DL	0	None
23 Thu	GK/N/A/N/A	HEF-941	INTERNAL COMBUSTION ENGINE A\ND METHOD FOR THE OPERATION OF AN INTERNAL COMBUSTION ENGINE	HEFEL & HOFMANN / 500639 (US)	6,305,159	BROADENED REISSUE DL	0	None
23 Thu	GK/N/A/N/A	IFW-963US	METHOD FOR NANO-STRUCTURING AMORPHOUS CARBON LAYERS	INSTITUT FUER.. / 500637 (US)	6,306,779	BROADENED REISSUE DL	0	None
23 Thu	GK/HA/N/A	ZEI-3088US	MICROSCOPE WITH INCIDENT LIGHT SOURCE	CARL ZEISS JENA GmbH / 5003 (US)	6,307,690	BROADENED REISSUE DL	0	None
23 Thu	GK/GK/N/A	ZEI-3215	METHOD AND APPARATUS FOR PRECISION WORKING OF MATERIAL	CARL ZEISS JENA GmbH / 5003 (US)	10/625,157	INF DISCLOSURE STMT	0	None
23 Thu	GK/GK/N/A	ZEI-3216	APPARATUS AND METHOD FOR OPHTHALMOLOGIC SURGICAL PROCEDURES USING A FEMTOSECOND FIBER LASER	CARL ZEISS JENA GmbH / 5003 (US)	10/625,797	INF DISCLOSURE STMT	0	None
24 Fri	GK/GK/GK	EIS-1068	HEADPHONES	EISENFUEHR, / 500593 (US)	10/626,129	INF DISCLOSURE STMT	0	None
24 Fri	GK/DPL/N/A	ZEI-3214	IMAGING SYSTEM FOR AN EXTREME ULTRAVIOLET (EUV) BEAM-BASED MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	10/626,130	INF DISCLOSURE STMT	0	None

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October continued...								
25 Sat	GK/HA/N/A	500939-20002	MULTI-PASS MERGE PROCESS FOR THE CHECK PROCESSING CONTROL SYSTEM	FREEDMAN & STONE	(US) 10/373,354	STATUS CHECK 6mons	0	None
25 Sat	GK/HA/N/A	500939-20002	MULTI-PASS MERGE PROCESS FOR THE CHECK PROCESSING CONTROL SYSTEM	FREEDMAN & STONE	(US) 10/373,354	INF DISCLOSURE STMT	0	None
25 Sat	GK/N/A/N/A	EIS-1056	HEADSET FOR TELECOMMUNICATIONS *CHECK AND KICK OVER PER DD 1APRIL2003*	EISENFUEHR, / 500593	(US) 10/280,685	STATUS CHECK 6mons	0	None
25 Sat	GK/GK/GK	EIS-1067	AUDIO DATA RECORDER	EISENFUEHR, / 500593	(US) 10/627,169	INF DISCLOSURE STMT	0	None
25 Sat	GK/GK/GK	EIS-1067	AUDIO DATA RECORDER	EISENFUEHR, / 500593	(US) 10/627,169	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
25 Sat	GK/N/A/N/A	OEH-142	METHOD AND ARRANGEMENT FOR OPTICAL STRESS ANALYSIS OF SOLIDS	OEHMKE & KOLLEGEN / 50081	(US) 10/280,709	STATUS CHECK 6mons	0	None
25 Sat	GK/N/A/N/A	SANKY-P-212	HOT-STAMPING FOIL TAPE CASSETTE AND FOIL-PEELING MECHANISM FOR HOT-STAMPING DEVICE AND PEELING METHOD FOR HOT-STAMPING FOIL AND CONTROL METHOD FOR HOT-STAMPING FOIL TAPE CASSETTE	SANKYO SEIKI MFG... / 500615	(US) 10/042,033	STATUS CHECK	0	None
26 Sun	GK/HA/N/A	500939-20002	MULTI-PASS MERGE PROCESS FOR THE CHECK PROCESSING CONTROL SYSTEM	FREEDMAN & STONE	(US) 10/373,354	PUBLICATION	0	None
26 Sun	GK/N/A/N/A	EIS-1056	HEADSET FOR TELECOMMUNICATIONS	EISENFUEHR, / 500593	(US) 10/280,685	PUBLICATION	0	None
26 Sun	GK/GK/GK	SANKY P-239	MOTOR *FILED W/O AN EXECUTED Decl/POA on 26AUG03*	SANKYO SEIKI MFG... / 500615	(US)	AWAITING MP/OA	0	9 Ext/1 Mnth
26 Sun	GK/N/A/N/A	ZEI-3169	MOTORIZED MICROSCOPE *REQUEST mailed 17DEC02*	CARL ZEISS JENA GmbH / 5003	(US) 10/169,227	STATUS CHECK (6Mons)	0	None
28 Tue	GK/GK/N/A	SANKY P-234	MANUAL CARD READER	SANKYO SEIKI MFG... / 500615	(US) 10/446,566	INF DISCLOSURE STMT	0	None
28 Tue	GK/N/A/N/A	SANKY-P-200	MANUAL IC CARD READER AND MANUAL CARDREADER	SANKYO SEIKI MFG... / 500615	(US) 09/768,887	ISSUE FEE	0	None
28 Tue	GK/N/A/N/A	SANKY-P-200	MANUAL IC CARD READER AND MANUAL CARDREADER	SANKYO SEIKI MFG... / 500615	(US) 09/768,887	PUBLICATION FEE	0	None

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October continued...								
28 Tue	GK/DPL/N/A	ZEI-1014	APPLICATIONS OF ADAPTIVE OPTICS IN MICROSCOPY	CARL ZEISS JENA GmbH / 5003 (US)	09/129,339	STATUS CHECK	0	None
28 Tue	GK/N/A/N/A	ZEI-3191	ARRANGEMENT FOR THE OPTICAL CAPTURE OF EXCITED AND/OR BACK SCATTERED LIGHT BEAM IN A SAMPLE (Anordnung zur optischen Erfassung von in einer Probe angeregter und/oder rückgestreuter Lichtstrahlung)	CARL ZEISS JENA GmbH / 5003 (US)	10/313,649	RECORDED ASSIGNMENT	0	None
29 We	GK/HA/N/A	GEY-1055	METHOD AND ARRANGEMENT FOR OBTAINING IMAGE INFORMATION RELATING TO SURFACE STRUCTURES	GEYER, WERNER / 500350 (US)	09/402,360	FORMAL DRAWINGS	0	None
29 We	GK/HA/N/A	GEY-1055	METHOD AND ARRANGEMENT FOR OBTAINING IMAGE INFORMATION RELATING TO SURFACE STRUCTURES	GEYER, WERNER / 500350 (US)	09/402,360	ISSUE FEE	0	None
30 Thu	GK/N/A/N/A	GEY-1057US	VIDEO PROJECTION SYSTEM FOR PROJECTING MORE THAN ONE PICTURE	GEYER, WERNER / 500350 (US)	6,309,072	BROADENED REISSUE DL	0	None
30 Thu	GK/N/A/N/A	OEH-120US	METHOD FOR THE MULTI-DEMENSIONAL ANALYSIS OF A PROTEOME	OEHMKE & KOLLEGEN / 50081 (US)	10/030,062	STATUS CHECK	0	None
30 Thu	GK/DPL/N/A	OEH-156	METHOD FOR STABILIZATION OF THE BEAM POWER OF A PULSE DRIVEN, GAS CHARGE-COUPLED BEAM SOURCE	OEHMKE & KOLLEGEN / 50081 (US)	10/425,301	PUBLICATION	0	None
30 Thu	GK/DPL/N/A	OEH-163	ARRANGEMENT FOR DESPENSING AND OBSERVING THE LUMINESCENCE OF SINGLE SAMPLES IN MULTI-SAMPLE ARRANGEMENTS	OEHMKE & KOLLEGEN / 50081 (US)	10/630,199	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
30 Thu	GK/DPL/N/A	ZEI-3194	ARRANGEMENT AND METHOD FOR POLARIZED, OPTICAL INTERFERENCE CONTRAST	CARL ZEISS JENA GmbH / 5003 (US)	10/425,303	PUBLICATION	0	None
31 Fri	GK/DPL/N/A	ZEI-3076	OPTICAL NEAR-FIELD MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	09/463,202	FORMAL DRAWINGS	0	None
31 Fri	GK/DPL/N/A	ZEI-3076	OPTICAL NEAR-FIELD MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	09/463,202	ISSUE FEE	0	None

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October continued...								
31 Fri	GK/N/A/N/A	ZEI-3154	METHOD AND ARRANGEMENT FOR THE DEPTH-RESOLVED DETECTION OF SPECIMENS	CARL ZEISS JENA GmbH / 5003 (US)	10/077,630	RESPONSE TO OA	0	3 Ext/1 Mnth
November 2003								
01 Sat	GK/N/A/N/A	OEH-136	METHOD AND DEVICE FOR COLLECTING FRACTIONS AFTER MATERIAL SEPARATION	OEHMKE & KOLLEGEN / 50081 (US)	10/169,449	STATUS CHECK	0	None
01 Sat	GK/N/A/N/A	SANKY P-226PRO	ROBOT HAND ALIGNING METHOD AND APPARATUS *PROV. FILED IN JAPANESE LANG*	SANKYO SEIKI MFG... / 500615 (US)	60/422,961	FOREIGN FILING DUE	0	None
01 Sat	GK/N/A/N/A	SANKY P-226PRO	ROBOT HAND ALIGNING METHOD AND APPARATUS *PROV. FILED IN JAPANESE LANG*	SANKYO SEIKI MFG... / 500615 (US)	60/422,961	FILE COMPLETE APPL	0	None
01 Sat	GK/N/A/N/A	ZEI-3148US	LASER SPLIT LAMP WITH LASER BEAM SOURCE	CARL ZEISS JENA GmbH / 5003 (US)	10/043,463	RESPONSE TO OA	0	3 Ext/1 Mnth
02 Sun	GK/N/A/N/A	ZEI-3054US	OPTICAL COHERENCE TOMOGRAPHY WITH DYNAMIC COHERENT FOCUS	CARL ZEISS JENA GmbH / 5003 (US)	6,057,920	Tax 3.5	0	None
02 Sun	GK/N/A/N/A	ZEI-3054US	OPTICAL COHERENCE TOMOGRAPHY WITH DYNAMIC COHERENT FOCUS	CARL ZEISS JENA GmbH / 5003 (US)	6,057,920	1ST MAINT FEE DUE	0	1 Ext/6 Mnth
03 Mon	GK/JDS/N/A	ABL-566US	BARAKA	ABLETT ASSOCIATES (US)	75/563,238	STATUS CHECK 6mons	0	None
03 Mon	GK/N/A/N/A	OEH-126	DEVICE FOR WELDING THERMOPLASTIC PLASTIC PARTS FORMING A HOLLOW BODY BY MEANS OF LASER RADIATION *mailed 3APR03 REPLY FROM PTO EXAMINER WILL EXAMINED 11 MONTHS FROM DATE 25APR2003*	OEHMKE & KOLLEGEN / 50081 (US)	10/125,206	STATUS REQUEST	0	None
04 Tue	GK/DPL/N/A	BAIDA-102	DEVICE AND METHOD FOR MAKING PRECISE MEASUREMENTS AND CUTS WITH A MEASURING TAPE	NICHOLAS F. BAIDA (US)	09/992,172	RESPONSE TO OA	0	3 Ext/1 Mnth
04 Tue	GK/N/A/N/A	GEY-1035	DEVICE FOR ABLATION OF MATERIAL BY MEANS OF LASER RADIATION *from: VITCON PROJEKTCONSULT GmbH to: CARL ZEISS MEDITEC AG*	GEYER, WERNER / 500350 (US)	6,235,017	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth

CONSOLIDATED DOCKET FOR GERALD H. KIEL

Through: 11/15/2003 Printed: 10/01/200

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
October continued...								
30 Thu	GK/DPL/N/A	OEH-156	METHOD FOR STABILIZATION OF THE BEAM POWER OF A PULSE DRIVEN, GAS CHARGE-COUPLED BEAM SOURCE	OEHMKE & KOLLEGEN / 50081 (US)	10/425,301	PUBLICATION	0	None
30 Thu	GK/DPL/N/A	OEH-163	ARRANGEMENT FOR DESPENSING AND OBSERVING THE LUMINESCENCE OF SINGLE SAMPLES IN MULTI-SAMPLE ARRANGEMENTS	OEHMKE & KOLLEGEN / 50081 (US)	10/630,199	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
30 Thu	GK/DPL/N/A	OEH-163	ARRANGEMENT FOR DESPENSING AND OBSERVING THE LUMINESCENCE OF SINGLE SAMPLES IN MULTI-SAMPLE ARRANGEMENTS	OEHMKE & KOLLEGEN / 50081 (US)	10/630,199	FILG RCPT STATUS CHK	0	9 Ext/1 Mnth
30 Thu	GK/DPL/N/A	OEH-173	BEAM SOURCE FOR THE PRODUCTION OF AN EXTREME ULTRA VIOLET BEAM *PRIORITY: 30OCT02 DE# 102 50 435.6*	OEHMKE & KOLLEGEN / 50081 (US)		FILE APPLN - 30OCT03	0	None
30 Thu	GK/N/A/N/A	ZEI-3132	METHOD FOR THE ACCELERATION OF THE ADJUSTABLE MOVEMENT IN A POSITIONING SYSTEM USING STEPPING MOTORS	CARL ZEISS JENA GmbH / 5003 (US)	6,628,098	REQ PATENT TERM ADJ	0	None
30 Thu	GK/DPL/N/A	ZEI-3194	ARRANGEMENT AND METHOD FOR POLARIZED, OPTICAL INTERFERENCE CONTRAST	CARL ZEISS JENA GmbH / 5003 (US)	10/425,303	PUBLICATION	0	None
31 Fri	GK/DPL/N/A	ZEI-3076	OPTICAL NEAR-FIELD MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	09/463,202	FORMAL DRAWINGS	0	None
31 Fri	GK/DPL/N/A	ZEI-3076	OPTICAL NEAR-FIELD MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	09/463,202	ISSUE FEE	0	None
31 Fri	GK/N/A/N/A	ZEI-3154	METHOD AND ARRANGEMENT FOR THE DEPTH-RESOLVED DETECTION OF SPECIMENS	CARL ZEISS JENA GmbH / 5003 (US)	10/077,630	RESPONSE TO OA	0	3 Ext/1 Mnth
November 2003								
01 Sat	GK/N/A/N/A	SANKY P-226PRO	ROBOT HAND ALIGNING METHOD AND APPARATUS *PROV. FILED IN JAPANESE LANG*	SANKYO SEIKI MFG... / 500615 (US)	60/422,961	FOREIGN FILING DUE	0	None

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
November continued...								
01 Sat	GK/N/A/N/A	SANKY P-226PRO	ROBOT HAND ALIGNING METHOD AND APPARATUS *PROV. FILED IN JAPANESE LANG*	SANKYO SEIKI MFG... / 500615 (US)	60/422,961	FILE COMPLETE APPL	0	None
01 Sat	GK/N/A/N/A	ZEI-3148US	LASER SPLIT LAMP WITH LASER BEAM SOURCE	CARL ZEISS JENA GmbH / 5003 (US)	10/043,463	RESPONSE TO OA	0	3 Ext/1 Mnth
02 Sun	GK/DPL/N/A	CAS-109	DEACTIVATABLE HOOK AND LOOP FASTENER (Deaktiviernarer Klettverschluss)	CASATI, Wilhelm / 500335 (US)	10/038,595	LETTERS PATENT	0	9 Ext/1 Mnth
02 Sun	GK/JDS/N/A	SEN-828	NOISEGARD & DESIGN *8/15 DECL w/SPECIMEN mailed 2SEP03*	EISENFUHR, SPEISER & PART (US)	2,092,701	8/15 ACCEPTED?	0	9 Ext/1 Mnth
03 Mon	GK/JDS/N/A	ABL-566US	BARAKA	ABLETT ASSOCIATES (US)	75/563,238	STATUS CHECK 6mons	0	None
03 Mon	GK/N/A/N/A	HEF-960	SEALING ARRANGEMENT FOR THE VACUUM SEAL OF AT LEAST ONE OPENING IN A WALL	HEFEL & HOFMANN / 500639 (US)	10/414,613	FILING RECEIPT- MP	0	9 Ext/1 Mnth
03 Mon	GK/N/A/N/A	OEH-126	DEVICE FOR WELDING THERMOPLASTIC PLASTIC PARTS FORMING A HOLLOW BODY BY MEANS OF LASER RADIATION *mailed 3APR03 REPLY FROM PTO EXAMINER WILL EXAMINED 11 MONTHS FROM DATE 25APR2003*	OEHMKE & KOLLEGEN / 50081 (US)	10/125,206	STATUS REQUEST	0	None
03 Mon	GK/SC/N/A	ZEI-3039	LASER SCANNING MICROSCOPE WITH AOTF	CARL ZEISS JENA GmbH / 5003 (US)	09/238,859	APPEAL TO C.A.F.C.	0	None
03 Mon	GK/HA/DPL	ZEI-3078	ARRANGEMENT FOR THE DIRECT CONTROL OF THE MOVEMENT OF A ZOOM SYSTEM IN A STEREO MICROSCOPE *NOTICE OF APPEAL OR RCE MUST BE FILE BY 9NOV2003*	CARL ZEISS JENA GmbH / 5003 (US)	09/463,096	STATUS FOR RCE	0	None
03 Mon	GK/N/A/N/A	ZEI-3187	ARRANGEMENT FOR THE MANUFACTURE OF A RELEASABLE CONNECTION OF AT LEAST ONE LIGHT CONDUCTING FIBER WITH AN OPTICAL ELEMENT	CARL ZEISS JENA GmbH / 5003 (US)	10/294,294	FILING RECEIPT	0	None
03 Mon	GK/N/A/N/A	ZEI-3189	ARRANGEMENT FOR THE MANUAL ADJUSTMENT OF A FOCUS POSITION ON MICROSCOPES	CARL ZEISS JENA GmbH / 5003 (US)	10/433,702	INF DISCLOSURE STMT	0	None
03 Mon	GK/N/A/N/A	ZEI-3189	ARRANGEMENT FOR THE MANUAL ADJUSTMENT OF A FOCUS POSITION ON MICROSCOPES	CARL ZEISS JENA GmbH / 5003 (US)	10/433,702	PUBLISH AS AMENDED	0	None

CONSOLIDATED DOCKET FOR GERALD H. KIEL

Through: 11/15/2003 Printed: 10/01/200

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
November continued...								
04 Tue	GK/HA/N/A	BAIDA-102	DEVICE AND METHOD FOR MAKING PRECISE MEASUREMENTS AND CUTS WITH A MEASURING TAPE	NICHOLAS F. BAIDA	(US) 09/992,172	RESPONSE TO OA	0	3 Ext/1 Mnth
04 Tue	GK/N/A/N/A	GEY-1035	DEVICE FOR ABLATION OF MATERIAL BY MEANS OF LASER RADIATION *from: VITCON PROJEKTCONSULT GmbH to: CARL ZEISS MEDITEC AG*	GEYER, WERNER / 500350	(US) 6,235,017	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
04 Tue	GK/DPL/N/A	HEF-962	VACUUM VALVE	HEFEL & HOFMANN / 500639	(US) 10/465,247	ENGLISH TRANSLATION	0	5 Ext/1 Mnth
04 Tue	GK/DPL/N/A	HEF-962	VACUUM VALVE	HEFEL & HOFMANN / 500639	(US) 10/465,247	MISSING PARTS (2 MO)	0	5 Ext/1 Mnth
04 Tue	GK/DPL/N/A	HEF-962	VACUUM VALVE	HEFEL & HOFMANN / 500639	(US) 10/465,247	ADDITIONAL CLAIM FEE	0	5 Ext/1 Mnth
04 Tue	GK/N/A/N/A	OEH-107US	AUTOMATIC PIPETTOR WITH A SINGLE-ROW, MULTI-CHANNEL PIPETTING HEAD	OEHMKE & KOLLEGEN / 50081	(US) 09/848,845	RESPONSE TO OA (2MO)	0	4 Ext/1 Mnth
04 Tue	GK/DPL/N/A	ZEI-3117	METHOD AND ARRANGEMENT FOR THE SELF-CALIBRATION OF A DIODE PUMPED SOLID STATE LASER, PARTICULARLY A TUNABLE, DIODE PUMPED SOLID STATE LASER	CARL ZEISS JENA GmbH / 5003	(US) 09/834,432	FINAL REJECTION	0	3 Ext/1 Mnth
04 Tue	GK/DPL/N/A	ZEI-3117	METHOD AND ARRANGEMENT FOR THE SELF-CALIBRATION OF A DIODE PUMPED SOLID STATE LASER, PARTICULARLY A TUNABLE, DIODE PUMPED SOLID STATE LASER	CARL ZEISS JENA GmbH / 5003	(US) 09/834,432	NOTICE OF APPEAL	0	3 Ext/1 Mnth
04 Tue	GK/N/A/N/A	ZEI-3147US	MEDICAL LASER THERAPY DEVICE	CARL ZEISS JENA GmbH / 5003	(US) 10/043,465	RESPONSE TO OA	0	3 Ext/1 Mnth
04 Tue	GK/N/A/N/A	ZEI-3183	AUTOFOCUSSING DEVICE FOR OPTICAL INSTRUMENTS	CARL ZEISS JENA GmbH / 5003	(US) 10/276,446	AMEND PUBLICATION	0	None
04 Tue	GK/HA/N/A	ZEI-3195	ARRANGEMENT FOR COUPLING ON OF LIGHT IN A MICROSCOPE	CARL ZEISS JENA GmbH / 5003	(US) 10/613,394	CLAIM PRIORITY	0	None
04 Tue	GK/HA/N/A	ZEI-3195	ARRANGEMENT FOR COUPLING ON OF LIGHT IN A MICROSCOPE	CARL ZEISS JENA GmbH / 5003	(US) 10/613,394	PUBLISH AS AMENDED	0	None

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Through: 11/15/2003 Printed: 10/01/200

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
November continued...								
04 Tue	GK/DPL/N/A	ZEI-3213	METHOD AND ARRANGEMENT FOR INSERTING CHANGES OF ILLUMINATION LIGHT AND/OR SAMPLE LIGHT WITH REFERENCE TO ITS COMPOSITION AND/OR DENSITY	CARL ZEISS JENA GmbH / 5003 (US)	10/654,702	SUPPL IDS NEEDED	0	9 Ext/1 Mnth
			*Articles AT - AY listed on PTO-1449 filed w/APPLN & IDS on 4SEP03 ******WERE NOT SUBMITTED / CLIENT ASKED TO SEND COPIES OF ARTICLES 20AUG03 FAX*******					
05 We	GK/N/A/N/A	GEY-1093	REMOVAL OF WASTE PRODUCTS BY SUCTION DURING THE ABLATION OF BIOLOGICAL TISSUE	GEYER, WERNER / 500350 (US)	09/762,498	ISSUE FEE	0	None
05 We	GK/DPL/N/A	JEN-2049CIP	SIMULTANEOUS HANDLING OF MAGNETIC BEADS IN A TWO- DIMENSIONAL ARRANGEMENT	JENOPTIK GmbH / 500347 (US)	10/172,560	FILING RECEIPT Follo	0	None
			FILING RECEIPT Follow Up Date					
05 We	GK/N/A/N/A	ZEI-3099	METHOD FOR THE DETECTION OF DYES IN FLUORESCENCE MICROSCOPY	CARL ZEISS JENA GmbH / 5003 (US)	09/895,517	NOTICE OF APPEAL	0	None
05 We	GK/N/A/N/A	ZEI-3139US	SCANNING DEVICE, ESPECIALLY FOR DETECTING FLUORESCENT LIGHT	CARL ZEISS JENA GmbH / 5003 (US)	09/979,382	STATUS CHECK (6Mons)	0	None
05 We	GK/HA/N/A	ZEI-3161US	ASSEMBLY FOR INCREASING THE DEPTH DISCRIMINATION OF AN OPTICAL IMAGING SYSTEM	CARL ZEISS JENA GmbH / 5003 (US)	10/089,878	RESPONSE TO OA	0	3 Ext/1 Mnth
06 Thu	GK/JDS/N/A	GEY 1089US	SAVEDENT	GEYER, WERNER / 500350 (US)	76/107,783	FILE ITU EXTENSION	0	None
06 Thu	GK/JDS/N/A	GEY 1089US	SAVEDENT	GEYER, WERNER / 500350 (US)	76/107,783	STATEMENT OF USE	0	5 Ext/6 Mnth
06 Thu	GK/DPL/N/A	THO-100US	METHOD OF PRODUCING DASHBOARDS, DOOR OR SIDE TRIM PANELS FOR MOTOR VEHICLES WITH A PREDETERMINED BREAKING LINE FOR..	THOMEN & KOERNER (US)	6,312,633	BROADENED REISSUE DL	0	None
06 Thu	GK/N/A/N/A	ZEI-3045US	PROCESS AND ARRANGEMENT FOR MONITORING AND CONTROLLING THE TREATMENT PARAMETERS IN AN OPHTHALMIC TREATMENT DEVICE	CARL ZEISS JENA GmbH / 5003 (US)	6,312,422	BROADENED REISSUE DL	0	None

CONSOLIDATED DOCKET FOR GERALD H. KIEL

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DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
November continued...								
06 Thu	GK/N/A/N/A	ZEI-3140	METHOD AND ARRANGEMENT FOR THE DETECTION OF LIGHT COMING FROM A SAMPLE	CARL ZEISS JENA GmbH / 5003 (US)	10/009,287	STATUS CHECK 6mons	0	None
07 Fri	GK/HA/N/A	EIS-1037US	PORTABLE POCKET-SIZED MICROPHONE TRANSMITTER	EISENFUEHR, / 500593 (US)	09/662,577	NOTICE OF APPEAL	0	None
07 Fri	GK/N/A/N/A	OEH-133US	ARRANGEMENT FOR THE OPTICAL EXCITATION OF FLUORESCENT RADIATION OF INDIVIDUAL SPECIMENS ON A MULTISPECIMEN CARRIER	OEHMKE & KOLLEGEN / 50081 (US)	10/165,885	STATUS CHECK 6mons	0	None
08 Sat	GK/HA/N/A	ZEI-3044	CONFOCAL MICROSCOPIC DEVICE	CARL ZEISS JENA GmbH / 5003 (US)	09/194,299	LETTERS PATENT	0	9 Ext/1 Mnth
08 Sat	GK/N/A/N/A	ZEI-3155	ARRANGEMENT FOR FIXING AN OPTICAL COMPONENT PART	CARL ZEISS JENA GmbH / 5003 (US)	10/098,901	LETTERS PATENT	0	9 Ext/1 Mnth
08 Sat	GK/DPL/N/A	ZEI-3194	ARRANGEMENT AND METHOD FOR POLARIZED, OPTICAL INTERFERENCE CONTRAST	CARL ZEISS JENA GmbH / 5003 (US)	10/425,303	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
08 Sat	GK/GK/GK	ZEI-3198	REFLECTOR TURRET FOR AN INVERTED MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	10/398,632	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
09 Sun	GK/RMB/N/A	BEN 163US	PILLOW FIGHT AND DESIGN	BENTLEY LINGERIE, INC./5010 (US)	1,803,799	RENEWAL	0	1 Ext/6 Mnth
09 Sun	GK/N/A/N/A	STR-1000	ELECTRICALLY BLOCKABLE SWIVELING LEVER CONTROL	ERNST STRATMANN / 500638 (US)	10/239,611	PETITION GRANTED?	0	9 Ext/1 Mnth
			FEES, Petition for Suspension of Rules 37 CFR 1.183 w/Req.to Correct Inventorship; Decl.signed by D.Ramsauer and V.Petersen and Consent of Assignee FILED 9SEP03 / SUPPL PET w/Account of facts by Dr.Stratmann filed 16SEP03					
09 Sun	GK/N/A/N/A	ZEI-3140	METHOD AND ARRANGEMENT FOR THE DETECTION OF LIGHT COMING FROM A SAMPLE	CARL ZEISS JENA GmbH / 5003 (US)	10/009,287	ABAND. W/DRAWN?	0	9 Ext/1 Mnth
			REQUEST TO WITHDRAW ABANDONMENT NOTICE filed 9SEP03 w/copies of the Notice, Reply to Decision on Petition Under 37 C.F.R. 1.137(b) & returned PC both dated 12AUG02					
09 Sun	GK/HA/N/A	ZEI-3204	SLIDABLE OPTICS IN A MSCRSCOPE ILLUMINATION, PARTICULARLY A SLIDABLE COLLECTOR ELEMENT	CARL ZEISS JENA GmbH / 5003 (US)	10/615,698	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
10 Mon	GK/N/A/N/A	ZEI-3147US	MEDICAL LASER THERAPY DEVICE	CARL ZEISS JENA GmbH / 5003 (US)	10/043,465	STATUS CHECK	0	None

CONSOLIDATED DOCKET FOR GERALD H. KIEL

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DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
November continued...								
10 Mon	GK/N/A/N/A	ZEI-3148US	LASER SPLIT LAMP WITH LASER BEAM SOURCE	CARL ZEISS JENA GmbH / 5003 (US)	10/043,463	STATUS CHECK (6Mons)	0	None
			CHANGE OF ADDRESS mailed 8JAN03					
11 Tue	GK/N/A/N/A	SANKY-P-189US	DATA DEMODULATION	SANKYO SEIKI MFG... / 500615 (US)	09/551,960	ISSUE FEE	0	None
			OFFICE COMMUNICATION FROM EXAMINER IN THIS CASE ATTACHED SIGNED COPIES OF IDS FORM 1449					
11 Tue	GK/N/A/N/A	SANKY-P-189US	DATA DEMODULATION	SANKYO SEIKI MFG... / 500615 (US)	09/551,960	FORMAL DRAWINGS	0	None
12 We	GK/DPL/N/A	GEY-1079	MAGNETIC BEARING AND USE THEREOF	GEYER, WERNER / 500350 (US)	6,365,997	CERT OF CORR. MAILED	0	9 Ext/1 Mnth
			REQUEST mailed 12SEP03 re: ASSIGNEE WAS OMITTED (from the PTOL-85b as filed) FROM LETTERS PATENT					
12 We	GK/JDS/N/A	HIK-994	AKEBONO & DESIGN	HIKARI-SAKAE / 500572 (US)	76/104,985	STATEMENT OF USE	1	4 Ext/6 Mnth
			EXT. REQ: 1st mailed 8MAY03					
12 We	GK/JDS/N/A	HIK-994	AKEBONO & DESIGN	HIKARI-SAKAE / 500572 (US)	76/104,985	FILE ITU EXTENSION	0	None
			NOTICE OF APPROVAL OF EXTENSION REQUEST REC'D DATED 18JUNE2003					
12 We	GK/N/A/N/A	SANKY P-232	ROTARY SHAFT MOTOR	SANKYO SEIKI MFG... / 500615 (US)	10/386,773	STATUS CHECK	0	None
12 We	GK/HA/N/A	ZEI-3048DIV	PROCESS FOR CONTROLLING A LASER SCANNING MICROSCOPE WITH A TILTABLE FINE FOCUSING STAGE	CARL ZEISS JENA GmbH / 5003 (US)	10/461,769	INF DISCLOSURE STMT	0	9 Ext/1 Mnth
13 Thu	GK/N/A/N/A	OEH-135	AIRBAG COVER WITH A PREDETERMINED BREAKING LINE AND METHOD FOR PRODUCING THE SAME	OEHMKE & KOLLEGEN / 50081 (US)	10/130,947	RESPONSE TO OA	0	3 Ext/1 Mnth
13 Thu	GK/DPL/N/A	SANKY-P-198	CONTACTS BLOCK MECHANISM OF IC CONTACT CARD READER	SANKYO SEIKI MFG... / 500615 (US)	09/750,813	RESPONSE TO OA	0	3 Ext/1 Mnth
13 Thu	GK/HA/N/A	ZEI-3199	MICROSCOPE, ESPECIALLY INVERTED MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	10/398,841	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
13 Thu	GK/N/A/N/A	ZEI-3203	MICROSCOPE, PARTICULARLY A LASER SCANNING MICROSCOPE WITH ADAPTIVE OPTICAL ARRANGEMENT	CARL ZEISS JENA GmbH / 5003 (US)	10/461,234	INF DISCLOSURE STMT	0	None
14 Fri	GK/N/A/N/A	KAG-594CUSA	DEVICE FOR FLARING OUT PIPES 1.62 CONT OF 08/142,334 22NOV93	PATENTANWALT OTTO KAGI (US)	5,515,710	2ND MAINT FEE DUE	0	1 Ext/6 Mnth

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
November continued...								
14 Fri	GK/HA/N/A	ZEI-3106	METHOD FOR MONITORING A CONTROL SYSTEM *Harry will handle this Appeal*	CARL ZEISS JENA GmbH / 5003 (US)	09/731,593	NOTICE OF APPEAL	0	None
14 Fri	GK/HA/N/A	ZEI-3130	SYSTEM FOR INTRODUCING OPTICAL TWEEZERS AND/OR A TREATMENT BEAM INTO A LASER SCANNING MICROSCOPE (amended 3MAR03)	CARL ZEISS JENA GmbH / 5003 (US)	09/869,951	NOTICE OF APPEAL	0	None
14 Fri	GK/N/A/N/A	ZEI-3167US	ARRANGEMENT FOR CONTACTLESS DETERMINATION OF PRODUCT CHARACTERISTICS	CARL ZEISS JENA GmbH / 5003 (US)	10/146,456	STATUS CHECK	0	None

CALL-UP DATES

The following items are due beyond the current print through date of 11/15/2003. A "regular" docket will always print advanced call-ups.

November 2003

16 Sun	GK/N/A/N/A	ZEI-3031US	BEAM DEFLECTING UNIT FOR MULTIPLE-AXIS EXAMINATION IN A MICROSCOPE (AMENDED 18JAN2000)	CARL ZEISS JENA GmbH / 5003 (US)	6,064,518	Tax 3.5	0	None
16 Sun	GK/N/A/N/A	ZEI-3031US	BEAM DEFLECTING UNIT FOR MULTIPLE-AXIS EXAMINATION IN A MICROSCOPE (AMENDED 18JAN2000)	CARL ZEISS JENA GmbH / 5003 (US)	6,064,518	1ST MAINT FEE DUE	0	1 Ext/6 Mnth
17 Mon	GK/N/A/N/A	GEY-579C	PROJECTING SYSTEM FOR PROJECTING A COLOR VIDEO PICTURE AND TRANSFORMATION OPTICAL SYSTEM FOR SAME *PETITION TO CORRECT ASSIGNEE IS DUE*	GEYER, WERNER / 500350 (US)	5,694,180	PETITION TO CORRECT	0	None
18 Tue	GK/GK/GK	EIS-1066	MICROPHONE	EISENFUEHR, / 500593 (US)	10/623,204	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
18 Tue	GK/N/A/N/A	OEH-130	TOOL HEAD FOR LASER MACHINING OF MATERIALS	OEHMKE & KOLLEGEN / 50081 (US)	10/140,448	LETTERS PATENT	0	9 Ext/1 Mnth
18 Tue	GK/HA/N/A	ZEI-3075	LIGHTING SYSTEM FOR A STEREOMICROSCOPE *SECOND REQ. FOR RECONSIDERATION filed w/Appeal Notice on 18SEP03*	CARL ZEISS JENA GmbH / 5003 (US)	09/462,961	APPEAL BRIEF	0	5 Ext/1 Mnth
18 Tue	GK/N/A/N/A	ZEI-3104	ARRANGEMENT FOR WAVELENGTH-DEPENDENT ADJUSTMENT OF LIGHT BEAM	CARL ZEISS JENA GmbH / 5003 (US)	09/687,124	LETTERS PATENT	0	9 Ext/1 Mnth

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DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
November continued...								
18 Tue	GK/HA/N/A	ZEI-3196	MICROSCOPE WITH POSITION RECOGNITION OF CHANGING OPTICAL ELEMENTS	CARL ZEISS JENA GmbH / 5003 (US)	10/419,016	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
18 Tue	GK/N/A/N/A	ZSP-102	DEVICE FOR HORIZONTAL AND VERTICAL ADJUSTMENT IN GEODETIC DEVICES	GEYER, WERNER / 500350 (US)	09/631,522	LETTERS PATENT	0	9 Ext/1 Mnth
20 Thu	GK/JDS/N/A	OEH-124	JENLAS	OEHMKE & KOLLEGEN / 50081 (US)	76/365,860	FILE ITU EXTENSION	0	None
20 Thu	GK/JDS/N/A	OEH-124	JENLAS	OEHMKE & KOLLEGEN / 50081 (US)	76/365,860	STATEMENT OF USE	0	5 Ext/6 Mnth
20 Thu	GK/N/A/N/A	OEH-153	DETECTOR ARRANGEMENT FOR ENERGY MEASUREMENT OF PULSED X-RAY RADIATION	OEHMKE & KOLLEGEN / 50081 (US)	10/393,930	STATUS CHECK	0	None
20 Thu	GK/N/A/N/A	ZEI-3072US	MULTIPLE-AXIS INCLINOMETER FOR MEASURING INCLINATIONS AND CHANGES IN INCLINATION	CARL ZEISS JENA GmbH / 5003 (US)	6,320,653	BROADENED REISSUE DL	0	None
20 Thu	GK/DPL/N/A	ZEI-3073	METHOD FOR DETERMINING THE DISTANCE OF A NEAR-FIELD PROBE FROM A SPECIMEN SURFACE TO BE EXAMINED, AND NEAR-FIELD...	CARL ZEISS JENA GmbH / 5003 (US)	09/442,429	ISSUE FEE	0	None
20 Thu	GK/DPL/N/A	ZEI-3073	METHOD FOR DETERMINING THE DISTANCE OF A NEAR-FIELD PROBE FROM A SPECIMEN SURFACE TO BE EXAMINED, AND NEAR-FIELD...	CARL ZEISS JENA GmbH / 5003 (US)	09/442,429	FORMAL DRAWINGS	0	None
20 Thu	GK/DPL/N/A	ZEI-3073	METHOD FOR DETERMINING THE DISTANCE OF A NEAR-FIELD PROBE FROM A SPECIMEN SURFACE TO BE EXAMINED, AND NEAR-FIELD...	CARL ZEISS JENA GmbH / 5003 (US)	09/442,429	STATUS CHECK	0	None
20 Thu	GK/N/A/N/A	ZEI-3184	METHOD FOR COUINTING PHOTONS IN LASER-SCANNING SYSTEMS	CARL ZEISS JENA GmbH / 5003 (US)	10/381,090	STATUS CHECK	0	None
20 Thu	GK/N/A/N/A	ZM-1001	DEVICE FOR MEASURING THE STICKINESS OF A FLOWABLE MEDIUM	ZMYJ, Erwin / 500348 (US)	6,318,165	BROADENED REISSUE DL	0	None
21 Fri	GK/DPL/N/A	ZEI-3193	ILLUMINATION DEGICE FOR MISCROSCOPES	CARL ZEISS JENA GmbH / 5003 (US)	10/340,293	RECORDED ASSIGNMENT	0	None

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DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
November continued...								
22 Sat	GK/HA/N/A	ZEI-3048	PROCESS FOR CONTROLLING A LASER SCANNING MICROSCOPE WITH A TILTABLE FINE FOCUSING STAGE	CARL ZEISS JENA GmbH / 5003 (US)	09/274,095	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
22 Sat	GK/HA/N/A	ZEI-3048	PROCESS FOR CONTROLLING A LASER SCANNING MICROSCOPE WITH A TILTABLE FINE FOCUSING STAGE	CARL ZEISS JENA GmbH / 5003 (US)	09/274,095	LETTERS PATENT	0	None
22 Sat	GK/N/A/N/A	ZEI-3089	METHOD AND AN ARRANGEMENT FOR DETERMINING THE SPATIAL COORDINATES OF AT LEAST ONE OBJECT POINT	CARL ZEISS JENA GmbH / 5003 (US)	09/570,623	RESPONSE TO OA	0	3 Ext/1 Mnth
23 Sun	GK/N/A/N/A	HEF-950	METHOD FOR DRIVING A COMBUSTION MOTOR AS WELL AS A COMBUSTION MOTOR	HEFEL & HOFMANN / 500639 (US)	6,622,471	AMEND PUBLICATION	0	None
23 Sun	GK/JDS/N/A	HIK-466	KYOWA	K.K.HIKARI JIMUSYO / 501071 (US)	1,806,314	RENEWAL	0	1 Ext/6 Mnth
23 Sun	GK/JDS/N/A	HIK-466	KYOWA	K.K.HIKARI JIMUSYO / 501071 (US)	1,806,314	First Renewal	0	None
23 Sun	GK/N/A/N/A	OEH-143	DIODE LASER ARRANGEMENT WITH A PLURALITY OF DIODE LASER LINES	OEHMKE & KOLLEGEN / 50081 (US)	10/203,221	CORRECT OF FLG RCPT	0	None
			REQ. mailed 23APR03 re: TITLE (the title from the English transation & Decl/POA not the title from the publication)					
23 Sun	GK/N/A/N/A	ZEI-3185	MICROSCOPE WITH AND AUTOMATIC FOCUSING DEVICE	CARL ZEISS JENA GmbH / 5003 (US)	10/415,048	RECORDED ASSIGNMENT	0	None
23 Sun	GK/N/A/N/A	ZEI-3190	ARRANGEMENT FOR THE FINE FOCUSSING OF MICROSCOPES	CARL ZEISS JENA GmbH / 5003 (US)	10/415,045	RECORDED ASSIGNMENT	0	None
24 Mon	GK/N/A/N/A	GEY-1106US	METHOD AND ARRANGEMENT FOR THREE-DIMENSIONAL DISPLAY	GEYER, WERNER / 500350 (US)	10/182,228	STATUS CHECK	0	None
24 Mon	GK/N/A/N/A	ZEI-3103DIV	MICROSCOPE FOR REFLECTED- LIGHT AND TRANSMITTED- LIGHT MICROSCOPY	CARL ZEISS JENA GmbH / 5003 (US)	10/359,230	AMEND PUBLICATION	0	None
24 Mon	GK/N/A/N/A	ZEI-3188	PRESSURE COMPENSATING DEVICE FOR OPTICAL APPARATUS	CARL ZEISS JENA GmbH / 5003 (US)	10/415,213	RECORDED ASSIGNMENT	0	None
24 Mon	GK/DPL/N/A	ZEI-3217	INSTALLABLE PINHOLE	CARL ZEISS JENA GmbH / 5003 (US)		AWAITING MP/OA	0	9 Ext/1 Mnth
			FILED w/UNSIGNED Decl/POA on 24SEP03					

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DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
November continued...								
25 Tue	GK/N/A/N/A	GEY-1119	PROJECTOR FOR THE SIMULATION OF A SCENE IMAGE WITH CALLIGRAPHIC LIGHTS, PARTICULARLY OF THE VIEW FROM AN AIRCRAFT OR FROM A SHIP	GEYER, WERNER / 500350	(US) 09/914,137	RECORDED ASSIGNMENT	0	None
			RESUBMITTED 25APR03 re: ASSIGNEE'S NAME (OUR FAULT)					
25 Tue	GK/N/A/N/A	OEH-122	ARRANGEMENT AND METHOD FOR GENERATING A PLURALITY OF OPTICAL AXES WHICH ARE ORIENTED IN A DEFINED MANNER RELATIVE TO ONE ANOTHER	OEHMKE & KOLLEGEN / 50081	(US) 6,590,712	RECORDED ASSIGNMENT	0	None
			TO PTO 25APR03 // JENOPTIK LASER, OPTIK, SYSTEME GmbH ASSIGNS THEIR RIGHT TO HILTI AKTIENGESELLSCHAFT					
26 We	GK/N/A/N/A	OEH-145	METHOD AND ARRANGEMENT FOR LOW-DISTORTION RECORDING OF INTENSITY PATTERNS OCCURRING ON A CONTACT SURFACE THROUGH FRUSTRATED TOTAL REFLECTION	OEHMKE & KOLLEGEN / 50081	(US) 10/319,178	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
			RE-RECORDED TO CORRECT ASSIGNEE'S NAME and ADDRESS (Our fault)					
26 We	GK/N/A/N/A	PUS-621	APPARATUS FOR MEASURING THE OXYGEN SATURATION OF FETUSES DURING CHILDBIRTH	PUSCHMANN & BORCHERT/50	(US) 5,497,771	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
			Re-assigned back to the inventor/to PTO 26AUG03					
26 We	GK/GK/GK	SANKY P-239	MOTOR	SANKYO SEIKI MFG... / 500615	(US) 10/649,905	INF DISCLOSURE STMT	0	None
26 We	GK/DPL/N/A	ZEI-3103	MICROSCOPE FOR REFLECTED- LIGHT AND TRANSMITTED- LIGHT MICROSCOPY	CARL ZEISS JENA GmbH / 5003	(US) 09/658,321	FINAL REJECTION	0	3 Ext/1 Mnth
26 We	GK/HA/N/A	ZEI-3138	TRANSMITTED LIGHT/LIGHTING DEVICE FOR MICROSCOPES	CARL ZEISS JENA GmbH / 5003	(US) 10/009,912	ISSUE FEE	0	None
26 We	GK/HA/N/A	ZEI-3138	TRANSMITTED LIGHT/LIGHTING DEVICE FOR MICROSCOPES	CARL ZEISS JENA GmbH / 5003	(US) 10/009,912	FORMAL DRAWINGS	0	None
27 Thu	GK/DPL/N/A	GEY-1104CIP	METHOD AND DEVICE FOR DETERMINING THE THICKNESS AND FORMATION RATE OF A LAYER OF ICE	GEYER, WERNER / 500350	(US) 10/223,934	CORRECT OF FLG RCPT	0	None
			REQ. mailed 27MAY03 (re: ASSIGNEE'S NAME)					

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DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
November continued...								
27 Thu	GK/DPL/N/A	GRA-101	MOVABLE STRUCTURAL COMPONENT FOR A THERMOMECHANICALLY STRESSED ASSEMBLY AS WELL AS A PROCESS FOR PRODUCING THE STRUCTURAL COMPONENT	GRAPE & Schwarzensteiner / 50	(US) 09/265,134	ISSUE FEE	0	None
27 Thu	JDS/GK/N/A	HIK2007US	ULALA	HIKARI-SAKAE / 500572	(US) 76/387,387	STATUS CHECK 6mons	0	None
			APPLICATION WILL BE PUBLISHED FOR OPPOSITION PER TARR CHECK STATUS 27NOV2003					
27 Thu	GK/N/A/N/A	KIEL-102	PORTAL ANNOUNCING METHOD AND SYSTEM	KIEL, GERALD / 882955	(US) 10/172,554	NON-COMPLIANT AMEND	0	None
			Response due to Notice of Non-Compliant Amendment					
27 Thu	GK/HA/N/A	ZEI-3061C	MICROSCOPE ESPECIALLY LASER SCANNING MICROSCOPE	CARL ZEISS JENA GmbH / 5003	(US) 10/446,215	INF DISCLOSURE STMT	0	None
27 Thu	GK/HA/N/A	ZEI-3061C	MICROSCOPE ESPECIALLY LASER SCANNING MICROSCOPE	CARL ZEISS JENA GmbH / 5003	(US) 10/446,215	PUBLISH AS AMENDED	0	None
28 Fri	GK/N/A/N/A	OEH-123	DIODE LASER COMPONENT	OEHMKE & KOLLEGEN / 50081	(US) 10/103,169	FINAL REJECTION	0	3 Ext/1 Mnth
28 Fri	GK/GK/N/A	SANKY P-234	MANUAL CARD READER	SANKYO SEIKI MFG... / 500615	(US) 10/446,566	PUBLICATION	0	None
30 Sun	GK/N/A/N/A	JEN-1022US	DEVICE FOR SECURING A MOVING OBJECT AT A DESTINATION	JENOPTIK GmbH / 500347	(US) 6,068,104	Tax 3.5	0	None
30 Sun	GK/N/A/N/A	JEN-1022US	DEVICE FOR SECURING A MOVING OBJECT AT A DESTINATION	JENOPTIK GmbH / 500347	(US) 6,068,104	1ST MAINT FEE DUE	0	1 Ext/6 Mnth
30 Sun	GK/DPL/N/A	OEH-156	METHOD FOR STABILIZATION OF THE BEAM POWER OF A PULSE DRIVEN, GAS CHARGE-COUPLED BEAM SOURCE	OEHMKE & KOLLEGEN / 50081	(US) 10/425,301	PUBLISH AS AMENDED	0	None
30 Sun	GK/JDS/N/A	SEN-1011US	SENNHEISER & DESIGN	EISENFUHR, SPEISER & PART	(US) 1,807,190	RENEWAL	0	1 Ext/6 Mnth
30 Sun	GK/JDS/N/A	SEN-1011US	SENNHEISER & DESIGN	EISENFUHR, SPEISER & PART	(US) 1,807,190	First Renewal	0	None
December 2003								
01 Mon	GK/JDS/N/A	HIK-933	KYOWA + DESIGN	K.K.HIKARI JIMUSYO / 501071	(US) 2,207,512	Section 8 & 15	0	None

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DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
November continued...								
30 Sun	GK/DPL/N/A	ZEI-3212	ARRANGEMENT FOR GENERATING POSITIVE AND NEGATIVE IMAGES IN DIGITAL PROJECTION	CARL ZEISS JENA GmbH / 5003 (US)	10/676,339	FILG RCPT STATUS CHK	0	9 Ext/1 Mnth
30 Sun	GK/DPL/GK	ZEI-3218	DEVICE FOR FLAT ILLUMINATION OF AN OBJECT FIELD	CARL ZEISS JENA GmbH / 5003 (US)	10/473,834	AWAITING MP/905	0	9 Ext/1 Mnth
			Nat'l Ph. of PCT/EP02/07039 26JUN02 // FILED w/UNSIGNED Decl/POA on 30SEP03					
December 2003								
01 Mon	GK/JDS/N/A	HIK-933	KYOWA + DESIGN	K.K.HIKARI JIMUSYO / 501071 (US)	2,207,512	Section 8 & 15	0	None
01 Mon	GK/N/A/N/A	OEH-151	METHOD FOR ENERGY CONTROL OF PULSED DRIVEN, GAS DISCHARGED-COUPLED BEAM SOURCES	OEHMKE & KOLLEGEN / 50081 (US)	10/360,067	STATUS CHECK/6mon	0	None
02 Tue	GK/N/A/N/A	EIS-1033US	SOUND-REPRODUCING DEVICE MOUNTABLE ON THE BODY OF A USER	EISENFUEHR, / 500593 (US)	09/529,501	RESPONSE TO OA	0	3 Ext/1 Mnth
02 Tue	GK/N/A/N/A	GEY-579C	PROJECTING SYSTEM FOR PROJECTING A COLOR VIDEO PICTURE AND TRANSFORMATION OPTICAL SYSTEM FOR SAME	GEYER, WERNER / 500350 (US)	5,694,180	RENEWED CERT.OF CORR	0	9 Ext/1 Mnth
			PETITION TO THE COMMISSIONER TO CORRECT ASSIGNEE under 37 CFR 1.183 filed 20CT02					
02 Tue	GK/N/A/N/A	OEH-136	METHOD AND DEVICE FOR COLLECTING FRACTIONS AFTER MATERIAL SEPARATION	OEHMKE & KOLLEGEN / 50081 (US)	10/169,449	ISSUE FEE	0	None
02 Tue	GK/N/A/N/A	OEH-136	METHOD AND DEVICE FOR COLLECTING FRACTIONS AFTER MATERIAL SEPARATION	OEHMKE & KOLLEGEN / 50081 (US)	10/169,449	FORMAL DRAWINGS	0	None
02 Tue	GK/N/A/N/A	ZEI-3184	METHOD FOR COUINTING PHOTONS IN LASER-SCANNING SYSTEMS	CARL ZEISS JENA GmbH / 5003 (US)	10/381,090	AMEND PUBLICATION	0	None
03 We	GK/N/A/N/A	HEF-960	SEALING ARRANGEMENT FOR THE VACUUM SEAL OF AT LEAST ONE OPENING IN A WALL	HEFEL & HOFMANN / 500639 (US)	10/414,613	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
03 We	GK/GK/N/A	SANKY P-234	MANUAL CARD READER	SANKYO SEIKI MFG... / 500615 (US)	10/446,566	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth

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December continued...								
03 We	GK/N/A/N/A	SANKY-P-212	HOT-STAMPING FOIL TAPE CASSETTE AND FOIL-PEELING MECHANISM FOR HOT-STAMPING DEVICE AND PEELING METHOD FOR HOT-STAMPING FOIL AND CONTROL METHOD FOR HOT-STAMPING FOIL TAPE CASSETTE	SANKYO SEIKI MFG... / 500615 (US)	10/042,033	RESPONSE TO OA	0	3 Ext/1 Mnth
03 We	GK/N/A/N/A	ZEI-3187	ARRANGEMENT FOR THE MANUFACTURE OF A RELEASABLE CONNECTION OF AT LEAST ONE LIGHT CONDUCTING FIBER WITH AN OPTICAL ELEMENT	CARL ZEISS JENA GmbH / 5003 (US)	10/294,294	STATUS CHECK	0	None
03 We	GK/N/A/N/A	ZEI-3189	ARRANGEMENT FOR THE MANUAL ADJUSTMENT OF A FOCUS POSITION ON MICROSCOPES	CARL ZEISS JENA GmbH / 5003 (US)	10/433,702	RECORDED ASSIGNMENT	0	None
04 Thu	GK/N/A/N/A	GEY-1109	DERMATOLOGICAL HAND PIECE	GEYER, WERNER / 500350 (US)	09/831,693	FORMAL DRAWINGS	0	None
04 Thu	GK/N/A/N/A	GEY-1109	DERMATOLOGICAL HAND PIECE	GEYER, WERNER / 500350 (US)	09/831,693	ISSUE FEE	0	None
04 Thu	GK/DPL/N/A	JEN-2028CIPUS	PARTIAL-PRESSURE SENSOR	JENOPTIK GmbH / 500347 (US)	6,324,897	BROADENED REISSUE DL	0	None
04 Thu	GK/N/A/N/A	ZEI-1008CUS	ARRANGEMENT FOR PROJECTING A TWO-DIMENSIONAL IMAGE ONTO AN EYE TO BE EXAMINED FOR USE WITH A DEVICE THAT PERFORMS A SUBJECTIVE DETERMINATION OF REFRACTION AND/OR A DEVICE THAT PERFORMS OTHER VISION FU	CARL ZEISS JENA GmbH / 5003 (US)	6,325,513	BROADENED REISSUE DL	0	None
04 Thu	GK/DPL/N/A	ZEI-3074US	MICROSCOPE WITH EXCHANGEABLE INTERMEDIATE TUBE	CARL ZEISS JENA GmbH / 5003 (US)	6,327,080	BROADENED REISSUE DL	0	None
04 Thu	GK/DPL/N/A	ZEI-3213	METHOD AND ARRANGEMENT FOR INSERTING CHANGES OF ILLUMINATION LIGHT AND/OR SAMPLE LIGHT WITH REFERENCE TO ITS COMPOSITION AND/OR DENSITY	CARL ZEISS JENA GmbH / 5003 (US)	10/654,702	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
04 Thu	GK/DPL/N/A	ZEI-3213	METHOD AND ARRANGEMENT FOR INSERTING CHANGES OF ILLUMINATION LIGHT AND/OR SAMPLE LIGHT WITH REFERENCE TO ITS COMPOSITION AND/OR DENSITY	CARL ZEISS JENA GmbH / 5003 (US)	10/654,702	FILG RCPT STATUS CHK	0	9 Ext/1 Mnth

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DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT		REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
December continued...									
05 Fri	GK/JDS/N/A	BUE-101	CONWEX	BUEHLER AG / 500647	(US)	76/259,288	STATUS CHECK	0	None
05 Fri	GK/N/A/N/A	GEY-1124	METHOD AND DEVICE FOR SELECTING THE WAVELENGHT FOR A LASER TREATMENT	GEYER, WERNER / 500350	(US)	10/018,701	STATUS CHECK	0	None
05 Fri	GK/N/A/N/A	ZEI-3187	ARRANGEMENT FOR THE MANUFACTURE OF A RELEASABLE CONNECTION OF AT LEAST ONE LIGHT CONDUCTING FIBER WITH AN OPTICAL ELEMENT	CARL ZEISS JENA GmbH / 5003	(US)	10/294,294	PUBLICATION	0	None
06 Sat	GK/DPL/N/A	OEH-167	ARRANGEMENT AND METHOD FOR RECORDING SIGNALS OF BIOLOGICAL ORIGIN *FILED w/UNSIGNED Decl/POA on 6OCT03*	OEHMKE & KOLLEGEN / 50081	(US)	10/474,049	AWAITING MP/905	0	9 Ext/1 Mnth
07 Sun	GK/HA/N/A	SANKY P-221PCT	PRODUCTION LINE UTILIZING AUTO GUIDED PALLET AND PRODUCTION LINE DESIGN SUPPORT SYSTEM	500615 / SANKYO SEIKI	(WO	PCT/IB03/03116	PUBLICATION	0	None
07 Sun	HA/GK/N/A	ZEI-1011D-3	LASER SCANNING MICROSCOPE	CARL ZEISS JENA GmbH / 5003	(US)	6,631,226	REQ PATENT TERM ADJ	0	None
08 Mon	GK/DPL/N/A	OEH-174	ARRANGEMENT FOR THE OPTICAL DETECTION OF A MOVING TARGET FLOW FOR A PULSED ENERGY BEAM PUMPED RADIATION *FILED w/UNSIGNED FORMS on 8OCT03*	OEHMKE & KOLLEGEN / 50081	(US)	10/682,000	AWAITING MP/OA	0	9 Ext/1 Mnth
09 Tue	GK/N/A/N/A	GEY-1111	MEDICAL INSTRUMENT FOR PHACOEMULSIFICATION *CHANGE OF NAME from ASCLEPION-MEDITEC AG to CARL ZEISS MEDITEC AG*	GEYER, WERNER / 500350	(US)	6,623,477	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
09 Tue	GK/N/A/N/A	HEF-955	VACUUM VALVE	HEFEL & HOFMANN / 500639	(US)	10/085,525	ISSUE FEE	0	None
09 Tue	GK/N/A/N/A	HEF-955	VACUUM VALVE	HEFEL & HOFMANN / 500639	(US)	10/085,525	FORMAL DRAWINGS	0	None
09 Tue	GK/N/A/N/A	OEH-154	ARRANGEMENT FOR THE SUPPRESSION OF PARTICLE EMISSION IN THE GENERATION OF RADAITION BASED ON HOT PLASMA	OEHMKE & KOLLEGEN / 50081	(US)	10/407,394	AMEND PUBLICATION	0	None
09 Tue	GK/JDS/N/A	SEN-784US	FREESOUND & DESIGN	EISENFUHR, SPEISER & PART	(US)	2,120,297	AFFIDAVIT OF USE	0	1 Ext/6 Mnth

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December continued...								
09 Tue	GK/N/A/N/A	STR-1000	ELECTRICALLY BLOCKABLE SWIVELING LEVER CONTROL	ERNST STRATMANN / 500638 (US)	10/239,611	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
09 Tue	GK/HA/DPL	ZEI-3078	ARRANGEMENT FOR THE DIRECT CONTROL OF THE MOVEMENT OF A ZOOM SYSTEM IN A STEREO MICROSCOPE *RCE (to enter UNENTERED Amdts of 9 & 11SEP03) filed 9OCT03*	CARL ZEISS JENA GmbH / 5003 (US)	09/463,096	STATUS CHECK	0	9 Ext/1 Mnth
09 Tue	GK/HA/N/A	ZEI-3195	ARRANGEMENT FOR COUPLING ON OF LIGHT IN A MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	10/613,394	FILING RECEIPT - MP	0	9 Ext/1 Mnth
10 We	GK/DPL/N/A	CAS-106	TWEEZERS	CASATI, Wilhelm / 500335 (US)	09/953,017	NOTICE OF APPEAL	0	3 Ext/1 Mnth
10 We	GK/DPL/N/A	CAS-106	TWEEZERS	CASATI, Wilhelm / 500335 (US)	09/953,017	FINAL REJECTION	0	3 Ext/1 Mnth
10 We	GK/N/A/N/A	ZEI-3156	ARRANGEMENT FOR THE OPTICAL CAPTURE OF EXCITED AND/OR BACK SCATTERED LIGHT BEAM IN A SAMPLE	CARL ZEISS JENA GmbH / 5003 (US)	10/081,096	PUBLICATION	0	None
10 We	GK/N/A/N/A	ZEI-3191	ARRANGEMENT FOR THE OPTICAL CAPTURE OF EXCITED AND/OR BACK SCATTERED LIGHT BEAM IN A SAMPLE (Anordnung zur optischen Erfassung von in einer Probe angeregter und/oder rückgestreuter Lichtstrahlung)	CARL ZEISS JENA GmbH / 5003 (US)	10/313,649	PUBLICATION	0	None
10 We	GK/N/A/N/A	ZEI-3202	OPTICAL ARRANGEMENT FOR OBTAINING INFORMATION FROM A SAMPLE OR AN OBSERVED OBJECT	CARL ZEISS JENA GmbH / 5003 (US)	10/458,699	INF DISCLOSURE STMT	0	None
11 Thu	GK/N/A/N/A	BUE-106	DOUBLE-SHELL DRYER	BUEHLER AG / 500647 (US)	10/380,416	INF DISCLOSURE STMT	0	9 Ext/1 Mnth
11 Thu	GK/N/A/N/A	BUE-106	DOUBLE-SHELL DRYER	BUEHLER AG / 500647 (US)	10/380,416	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
11 Thu	GK/DPL/N/A	EIS-1064	METHOD AND CIRCUIT ARRANGEMENT FOR ENCODING AND DECODING DATA	EISENFUEHR, / 500593 (US)	10/461,233	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
11 Thu	GK/JDS/N/A	SEN-1010US	OPEN-AIRE	EISENFUHR, SPEISER & PART (US)	974,547	RENEWAL	0	1 Ext/6 Mnth
11 Thu	GK/JDS/N/A	SEN-1010US	OPEN-AIRE	EISENFUHR, SPEISER & PART (US)	974,547	Next Renewal	0	None

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December continued...								
11 Thu	GK/DPL/N/A	ZEI-3201	ARRANGEMENT FOR POLARIZATION OF LIGHT	CARL ZEISS JENA GmbH / 5003 (US)	10/411,663	STATUS CHECK	0	None
11 Thu	GK/DPL/N/A	ZEI-3211	METHOD FOR EVALUATING LAYERS OF IMAGES	CARL ZEISS JENA GmbH / 5003 (US)	10/471,520	FILG RCPT STATUS CHK	0	9 Ext/1 Mnth
11 Thu	GK/DPL/N/A	ZEI-3211	METHOD FOR EVALUATING LAYERS OF IMAGES	CARL ZEISS JENA GmbH / 5003 (US)	10/471,520	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
12 Fri	GK/HA/N/A	500939-20002	MULTI-PASS MERGE PROCESS FOR THE CHECK PROCESSING CONTROL SYSTEM	FREEDMAN & STONE (US)	10/373,354	RESPONSE TO OA	0	3 Ext/1 Mnth
13 Sat	GK/DPL/N/A	JEN-2049CIP	SIMULTANEOUS HANDLING OF MAGNETIC BEADS IN A TWO- DIMENSIONAL ARRANGEMENT	JENOPTIK GmbH / 500347 (US)	10/172,560	STATUS CHECK (6Mons)	0	None
13 Sat	GK/N/A/N/A	KIEL-102PCT	PORTAL ANNOUNCING METHOD AND SYSTEM	KIEL, GERALD / 882955 (WO	PCT/US03/17956	PUBLICATION	0	None
13 Sat	GK/N/A/N/A	ZEI-3162US	ARRANGEMENT AND METHOD FOR DETERMINING THE TWO-DIMENSIONAL DISTRIBUTION OF FUNDUS PIGMENTS, ARTICULARLY OF THE MACULAR PIGMENT XANTHOPHYLL	CARL ZEISS JENA GmbH / 5003 (US)	10/172,563	STATUS CHECK	0	None
13 Sat	GK/DPL/N/A	ZEI-3164	NUMERICAL A POSTERIORI DISPERSION COMPENSATION IN PCI MEASUREMENT SIGNALS AND OCT A-SCAN SIGNALS WITH SPATIALLY VARIANT CORRELATION CORE	CARL ZEISS JENA GmbH / 5003 (US)	10/172,565	STATUS CHECK	0	None
14 Sun	GK/DPL/N/A	HEF-963	LOAD-LOCK DEVICE FOR INTRODUCING SUBSTRATES INTO A VACUUM CHAMBER	HEFEL & HOFMANN / 500639 (US)	10/619,391	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
15 Mon	GK/N/A/N/A	SANKY-P-227US	IC CARD READER	SANKYO SEIKI MFG... / 500615 (US)	10/308,812	RESPONSE TO OA	0	3 Ext/1 Mnth
15 Mon	GK/N/A/N/A	ZEI-3145	ADJUSTING DEVICE FOR DISPLACING INDIVIDUAL ELEMENTS OF OPTICAL SYSTEMS OR OF MEASURING SYSTEMS	CARL ZEISS JENA GmbH / 5003 (US)	09/980,722	RESPONSE TO OA	0	3 Ext/1 Mnth
15 Mon	GK/N/A/N/A	ZEI-3202	OPTICAL ARRANGEMENT FOR OBTAINING INFORMATION FROM A SAMPLE OR AN OBSERVED OBJECT	CARL ZEISS JENA GmbH / 5003 (US)	10/458,699	PUBLICATION	0	None

CONSOLIDATED DOCKET FOR GERALD H. KIEL

Through: 12/15/2003 Printed: 11/03/200

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
CALL-UP DATES The following items are due beyond the current print through date of 12/15/2003. A "regular" docket will always print advanced call-ups.								
December 2003								
16 Tue	GK/N/A/N/A	ZEI-3176US	OPTICAL MULTIPLEX SHORT COHERENCE INTERPEROMETRY OF THE EYE	CARL ZEISS JENA GmbH / 5003 (US)	10/229,464	STATUS REQUEST	0	None
17 We	GK/JDS/N/A	HIK-2011	AKEBONO & DESIGN *RENEWAL APPLN w/SPECIMEN & FEE (CC) mailed 17OCT03*	HIKARI-SAKAE / 500572 (US)	1,256,026	RENEWAL CERT. RCVD?	0	9 Ext/1 Mnth
18 Thu	GK/DPL/N/A	OEH-157	METHOD FOR THE WORKING OF A DIVIDING MIDDLE LAYER ON A CARRIER MATERIAL	OEHMKE & KOLLEGEN / 50081 (US)	10/419,015	PUBLISH AS AMENDED	0	None
18 Thu	GK/N/A/N/A	SANKY P-236	POWER SUPPLY CONTROL CIRCUIT	SANKYO SEIKI MFG... / 500615 (US)	10/462,488	PUBLICATION	0	None
19 Fri	GK/JDS/N/A	EIS-1058	TELEFUNKEN & Design	EISENFUEHR, / 500593 (US)	76/475,509	RESPONSE TO OA	0	None
19 Fri	GK/GK/GK	HEF-966	VACUUM CONTROL VALVE	HEFEL & HOFMANN / 500639 (US)	10/665,856	FILG RCPT STATUS CHK	0	9 Ext/1 Mnth
20 Sat	GK/N/A/N/A	CAS-110	METHOD FOR CONTROLLING THE DELIVERY OF LUBRICANT	CASATI, Wilhelm / 500335 (US)	10/110,385	STATUS REQUEST	0	None
20 Sat	GK/HA/GK	OEH-175	ARRANGEMENT AND METHOD FOR LOW DISTURBANCE RECORDING OF HIGH RESOLUTION, TWO-DIMENISIONAL IMAGES *PRIORITY: 20DEC02 (DE# 102 61 665.5)*	OEHMKE & KOLLEGEN / 50081 (US)		FILE APPLN - 20DEC02	0	None
20 Sat	GK/GK/N/A	SANKY-P-198/EPEP	CONTACTS BLOCK MECHANISM OF IC CONTACT CARD READER	SANKYO SEIKI MFG... / 500615 (EP)	127 875.3	ANNUITY DUE	0	1 Ext/6 Mnth
21 Sun	GK/GK/GK	EIS-1070	HEADPHONE *FILED w/o an EXECUTED Decl/POA on 21OCT03*	EISENFUEHR, / 500593 (US)	10/690,294	AWAITING MP/OA	0	9 Ext/1 Mnth
21 Sun	GK/GK/GK	EIS-1070	HEADPHONE	EISENFUEHR, / 500593 (US)	10/690,294	PUBLISH AS AMENDED	0	None
21 Sun	GK/DPL/N/A	ZEI-3174PCT	LAMP HOUSING	CARL ZEISS JENA GmbH / 5003 (WO	PCT/IB02/0235	PCT 30 MO DEADLINE	0	None
22 Mon	GK/GK/JDS	ABL-997US	STRESS'TER	ABLETT ASSOCIATES (US)	2,212,621	Aff of Use - 5 Year	0	None
22 Mon	GK/N/A/N/A	EIS-1041	MICROPHONE	EISENFUEHR, / 500593 (US)	09/830,756	RESPONSE TO OA	0	3 Ext/1 Mnth

CONSOLIDATED DOCKET FOR GERALD H. KIEL

Through: 12/15/2003 Printed: 11/03/200

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
December continued...								
22 Mon	GK/N/A/N/A	STR-1004	CLOSING CYLINDER	ERNST STRATMANN / 500638 (US)	10/415,033	STATUS CHECK	0	None
23 Tue	GK/GK/GK	EIS-1071	PRODUCT PRESENTATION EQUIPMENT *APPLN FILED w/o an Executed Decl/POA on 23OCT03*	EISENFUEHR, / 500593 (US)		AWAITING MP/OA	0	9 Ext/1 Mnth
23 Tue	GK/HA/N/A	ZEI-3105	ARRANGEMENT FOR ILLUMINATION WITH A PLURALITY OF WAVELENGHTS IN A MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	09/696,553	ISSUE FEE	0	None
23 Tue	GK/N/A/N/A	ZEI-3185	MICROSCOPE WITH AND AUTOMATIC FOCUSING DEVICE	CARL ZEISS JENA GmbH / 5003 (US)	10/415,048	STATUS CHECK	0	None
23 Tue	GK/N/A/N/A	ZEI-3190	ARRANGEMENT FOR THE FINE FOCUSSING OF MICROSCOPES	CARL ZEISS JENA GmbH / 5003 (US)	10/415,045	STATUS CHECK	0	None
23 Tue	GK/GK/N/A	ZEI-3215	METHOD AND APPARATUS FOR PRECISION WORKING OF MATERIAL	CARL ZEISS JENA GmbH / 5003 (US)	10/625,157	INF DISCLOSURE STMT	0	None
24 We	GK/GK/GK	EIS-1068	HEADPHONES	EISENFUEHR, / 500593 (US)	10/626,129	INF DISCLOSURE STMT	0	None
24 We	GK/N/A/N/A	OEH-132	METHOD AND COMBINED VISIBILITY AND PRECIPITATION MEASURING INSTRUMENT FOR DETERMINING VISIBILITY, AMOUNT OF PRECIPITATION AND TYPE OF PRECIPTATION	OEHMKE & KOLLEGEN / 50081 (US)	10/132,748	RESPONSE TO OA	0	3 Ext/1 Mnth
24 We	GK/N/A/N/A	SANKY-P-224	MANUAL MAGNETIC CARD READER AND METHOD OF READING MAGNETIC DATA	SANKYO SEIKI MFG... / 500615 (US)	10/253,064	FORMAL DRAWINGS	0	None
24 We	GK/N/A/N/A	SANKY-P-224	MANUAL MAGNETIC CARD READER AND METHOD OF READING MAGNETIC DATA	SANKYO SEIKI MFG... / 500615 (US)	10/253,064	ISSUE FEE	0	None
24 We	GK/N/A/N/A	ZEI-3115DIV	OPTICAL MEASURING ARRANGEMENT, IN PARTICULAR FOR QUALITY CONTROL IN CONTINUOUS PROCESSES	CARL ZEISS JENA GmbH / 5003 (US)	10/422,558	STATUS CHECK	0	None
24 We	GK/DPL/N/A	ZEI-3217	INSTALLABLE PINHOLE	CARL ZEISS JENA GmbH / 5003 (US)	10/669,394	INF DISCLOSURE STMT	0	None
25 Thu	GK/N/A/N/A	OEH-125	LASER RADIATION SOURCE FOR GENERATING A WORKING BEAM	OEHMKE & KOLLEGEN / 50081 (US)	10/200,928	RESPONSE TO OA	0	3 Ext/1 Mnth

CONSOLIDATED DOCKET FOR GERALD H. KIEL

Through: 12/15/2003 Printed: 11/03/200

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
December continued...								
26 Fri	GK/DPL/N/A	OEH-164	DEVICE FOR THE CALIBRATION OF AN OPTICAL DETECTION CHANNEL FOR THE TWO-DIMENSIONAL MEASUREMENT OF MULTI-SPECIMEN CARRIERS	OEHMKE & KOLLEGEN / 50081 (US)	10/672,114	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
26 Fri	GK/HA/GK	OEH-171	ARRANGEMENT FOR DETERMINING THE SPECTRAL REFLECTIVITY OF A MEASUREMENT OBJECT	OEHMKE & KOLLEGEN / 50081 (US)	10/672,110	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
26 Fri	GK/DPL/N/A	ZEI-3149	OPTICAL OBSERVATION APPARATUS PROVIDED WITH A SYSTEM DELIVERING INFORMATION VISUALLY PERCEPTIBLE IN THE OBSERVATION BEAM PATH	CARL ZEISS JENA GmbH / 5003 (US)	10/030,838	STATUS CHECK (6Mons)	0	None
26 Fri	GK/DPL/N/A	ZEI-3207	ILLUMINATION UNIT FOR THE GENERATION OF OPTICAL SECTIONAL IMAGES IN TRANSPARENT MEDIA IN PARTICULAR IN THE EYE	CARL ZEISS JENA GmbH / 5003 (US)	10/473,460	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
27 Sat	GK/JDS/N/A	EIS-1065	SENNHEISER	Sennheiser Electronic GmbH & & (US)	78/268,052	CONVENTIONS ENDS	0	None
27 Sat	GK/GK/GK	HEF-964	VACUUM CONTROL VALVE	HEFEL & HOFMANN / 500639 (US)	10/607,621	INF DISCLOSURE STMT	0	None
27 Sat	JDS/GK/N/A	JEN 2050AUS	CYBIO and Design	JENOPTIK GmbH / 500347 (US)	76/472,614	RESPONSE TO OA	0	None
28 Sun	GK/N/A/N/A	ZEI-3157US	METHOD FOR ELECTRONIC IMAGE RECTIFICATION IN LASER SCANNING DEVICES	CARL ZEISS JENA GmbH / 5003 (US)	10/110,386	STATUS CHECK (6Mons)	0	None
28 Sun	GK/N/A/N/A	ZEI-3158US	OPTICAL ARRANGEMENT FOR GENERATING STEREOSCOPIC IMAGES	CARL ZEISS JENA GmbH / 5003 (US)	10/110,123	STATUS CHECK (6Mons)	0	None
29 Mon	GK/RMB/N/A	BEN 156US	PAJAMA BAKERY	BENTLEY LINGERIE, INC./5010 (US)	2,215,387	Aff of Use - 5 Year	0	None
29 Mon	GK/N/A/N/A	OEH-140	ARRANGEMENT FOR GENERATING AN ACTIVE GAS JET	OEHMKE & KOLLEGEN / 50081 (US)	10/236,747	RESPONSE TO OA	0	3 Ext/1 Mnth
29 Mon	GK/DPL/N/A	OEH-156	METHOD FOR STABILIZATION OF THE BEAM POWER OF A PULSE DRIVEN, GAS CHARGE-COUPLED BEAM SOURCE	OEHMKE & KOLLEGEN / 50081 (US)	10/425,301	STATUS CHECK	0	None

CONSOLIDATED DOCKET FOR GERALD H. KIEL

Through: 12/15/2003 Printed: 11/03/200

DUE	ATTY1/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
December continued...								
30 Tue	GK/DPL/N/A	OEH-173	BEAM SOURCE FOR THE PRODUCTION OF AN EXTREME ULTRA VIOLET BEAM *(2nd INV. DID NOT SIGN Decl/POA)*	OEHMKE & KOLLEGEN / 50081 (US)		AWAITING MP/OA	0	9 Ext/1 Mnth
30 Tue	GK/GK/GK	SANKY P-242	OPTICAL HEAD DEVICE	SANKYO SEIKI MFG... / 500615 (US)	10/676,861	INF DISCLOSURE STMT	0	None
30 Tue	GK/N/A/N/A	SANKY-P-213	POLYGONAL MIRROR FIXING DEVICE	SANKYO SEIKI MFG... / 500615 (US)	10/007,777	ISSUE FEE	0	None
30 Tue	GK/DPL/N/A	ZEI-3076	OPTICAL NEAR-FIELD MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	09/463,202	LETTERS PATENT	0	9 Ext/1 Mnth
30 Tue	GK/GK/GK	ZEI-3127	AUTOMATIC PRCUSSING DEVICE FOR AN OPTICAL APPLIANCE	CARL ZEISS JENA GmbH / 5003 (US)	10/473,830	INF DISCLOSURE STMT	0	None
30 Tue	GK/DPL/N/A	ZEI-3212	ARRANGEMENT FOR GENERATING POSITIVE AND NEGATIVE IMAGES IN DIGITAL PROJECTION	CARL ZEISS JENA GmbH / 5003 (US)	10/676,339	RECORDED ASSIGNMENT	0	9 Ext/1 Mnth
30 Tue	GK/DPL/GK	ZEI-3218	DEVICE FOR FLAT ILLUMINATION OF AN OBJECT FIELD	CARL ZEISS JENA GmbH / 5003 (US)	10/473,834	INF DISCLOSURE STMT	0	None
January 2004								
01 Thu	GK/JDS/N/A	EIS-1039	FOCUSOUND *NOTICE OF PUBLICATION REC'D DATED 11JUNE2003*	EISENFUEHR, / 500593 (US)	76/190,854	AWAITING N/A	0	None
02 Fri	GK/N/A/N/A	SANKY-P-140EP	AUTOMATIC TRANSACTION APPARATUS	SANKYO SEIKI MFG... / 500615 (EP)	0 820 042	OPPOSITION TERM ENDS	0	None
02 Fri	GK/DPL/N/A	ZEI-3093CIPUS	PROCESS AND APPARATUS FOR DETERMINING SURFACE INFORMATION USING A PROJECTED STRUCTURE WITH A PERIODICALLY CHANGING BRIGHTNESS CURVE	CARL ZEISS JENA GmbH / 5003 (US)	10/218,556	RESPONSE TO OA	0	3 Ext/1 Mnth
02 Fri	GK/N/A/N/A	ZEI-3165US	ARRANGEMENTS FOR COHERENCE TOPOGRAPHIC RAY TRACING ON THE EYE	CARL ZEISS JENA GmbH / 5003 (US)	10/167,130	RESPONSE TO OA	0	3 Ext/1 Mnth
03 Sat	GK/N/A/N/A	ZEI-3169	MOTORIZED MICROSCOPE	CARL ZEISS JENA GmbH / 5003 (US)	10/169,227	RESPONSE TO OA	0	3 Ext/1 Mnth
04 Sun	GK/DPL/N/A	OEH-112CIP	ELEVATOR SYSTEM FOR THE VERTICAL TRANSPORT OF PAYLOADS IN AN AIRCRAFT	OEHMKE & KOLLEGEN / 50081 (US)	10/235,087	STATUS CHECK 6mons	0	None

18 JUN 2003

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Richard p. Bauer
Katten Mchin Zavis Rosenman
525 West Monroe Street, Suite 1600
Chicago, Illinois 60601

In re Application of	:	
MANTHA et al.	:	
Application No.: 10/399,142	:	DECISION ON PETITION
PCT No.: PCT/CA01/01229	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 30 August 2001	:	
Priority Date: 14 September 2000	:	
Attorney Docket No.: 213222-00073	:	
For: SYSTEM AND METHOD FOR ALLOCATING POWER	:	

The petition to revive under 37 CFR 1.137(b) filed 14 April 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 $900 and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Deposit Account No. 50-1710 has been charged a $130.00 surcharge fee under 37 CFR 492(e) for supplying an oath or declaration later than 30 months from the earliest claimed priority date.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision. The 35 U.S.C. 371(c) date is 14 April 2003.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (703) 308-6314
Facsimile: (703) 308-6459

06/18/2003 HKAYPAGH 00000164 501710 10399142

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OFFICE OF PETITIONS

In re Application of
Akira Hiraide et al
Application No.10/399,146
Filed: April 14, 2003
Attorney Docket No. HIRAIDE 1

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 30, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final rejection mailed June 23, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 1623 for appropriate action by the Examiner in the normal course of business on the reply received December 30, 2008.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Patent No. 6,982,344 :
Issued: January 3, 2006 :
Application No. 10/399,165 : PATENT TERM ADJUSTMENT
Filed: April 11, 2003 :
Atty. Dkt. No.: 2800 USOP :

This is a decision on the "Petition for Reconsideration of Patent Term Adjustment," filed March 1, 2006. This matter is being properly treated under 37 CFR 1.705(d) as a timely filed application for patent term adjustment.

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. 6,982,344 on January 3, 2006. The instant request for reconsideration was timely filed March 1, 2006 in accordance with 37 C.F.R. § 1.705(d). The patent issued with a PTA of zero days. Patentees argue that the adjustment of 125 days was improperly reduced 120 days in connection with a foreign priority document alleged to have been submitted May 26, 2005. Patentees further argue that no such submission occurred on May 26, 2005.

A review of the record supports the conclusion reached by patentees that no foreign priority document was submitted to the Office on May 26, 2005.

In view thereof, the patent is entitled to an adjustment of 96 days as argued by patentees.

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 96 days.

Receipt is hereby acknowledged 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.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT	:	6,982,344 B2
DATED	:	January 3, 2006
INVENTOR(S)	:	Ikemoto, 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 0 days" and insert – by 96 days--

#4

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26 SEP 2003

John C. Kerins
Miles & Stockbridge PC
1751 Pinnacle Drive
Suite 500
McLean, VA 22102-3833

Application of :
O'Callaghan, et al. :
Application Serial No.: 10/399,170 :
PCT No.: PCT/AU01/00696 : DECISION ON PETITION
Intl. Filing Date: 13 June 2001 : UNDER 37 CFR 1.137(b)
Priority Date: 13 June 2000 :
Attorney's Docket No: T2211-908477 :
For: Solvent Extraction of Impurities from Concentrated :
Metal Sulphate Solutions :

This decision is in response to applicants' "PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 CFR 1.137(b)", filed 15 April 2003.

BACKGROUND

On 13 June 2001, applicants filed International Application PCT/AU01/00696 which claimed priority to an Australian application filed on 13 June 2000. A demand for international preliminary examination, in which the United States was elected, was filed on 14 December 2001, within nineteen months of the international filing date. Accordingly, the thirty month period for paying the basic national fee expired on at midnight on 13 December 2002.

On 15 April 2003, applicants filed a transmittal letter for entry into the national stage in United States, which was accompanied by, inter alia,: the requisite basic national fee as required by 35 U.S.C. 371(c)(1), a copy of the international application, a first preliminary amendment, and the requisite petition fee.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be filed promptly after applicant becomes aware of the abandonment and must be accompanied by: (1) the required reply, unless previously filed, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional and (4) a terminal disclaimer (for applications filed before 8 June 1995).

As to item (1), the petition is accompanied by the required reply in the form of a check for the basic national filing fee

As to item (2), the petition is accompanied by the required petition fee.

As to item (3), the petition is accompanied by applicants' 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."

As to item (4), a terminal disclaimer is not required in the present case.

CONCLUSION

The petition under 37 CFR 1.137 (b) to revive the international application abandoned under 35 USC 371(d) is **granted** as to the national satge in the United States of America.

This application is being forwarded to the National Stage Processing Branch of the International Division to continue national stage processing of the present application, including preparation and mailing of the Notification of Missing Requirement Under 35 USC 371 requiring an oath or declaration as required by 35 USC 371(c)(4) and the surcharge for filing the oath or declaration later than thirty months from the priority date as required by 37 CFR 1.492(e).

Richard Cole
PCT Legal Examiner
PCT Legal Office

Kenya A. McLaughlin
PCT Legal Office Detailee
PCT Legal Office

Telephone: (703) 305-0010
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Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
Mclean, VA 22102

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OFFICE OF PETITIONS

In re Application of :
Michael Menth et al. :
Application No. 10/399,173 : DECISION ON PETITION
Filed: April 15, 2003 : TO WITHDRAW
Attorney Docket No. 449122053100 : 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 17, 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 July 31, 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.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Bell, Boyd & Lloyd, LLP**
P.O. Box 1135
Chicago, IL 60690

12 MAR 2004

#5

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Thomas C. Pontani
Cohen, Pontani, Lieberman & Pavane
551 Fifth Avenue, Suite 1210
New York, New York 10176

In re Application of	:	DECISION ON
BERNDT et al	:	
PCT No.: PCT/EP01/11677	:	
Application No: 10/399,191	:	
Int. Filing Date: 09 October 2001	:	PETITION UNDER
Priority Date: 16 October 2000	:	
Attorney's Docket No.: 4881-8PUS	:	
For: Heat-Sensitive Recording Sheet	:	
Use of the Same	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 15 April 2003. The petition fee of 130.00 has been charged to Deposit Account No: 03-2412 as stipulated in the communication on 25 August 2003.

BACKGROUND

On 09 October 2001, petitioner filed international application PCT/EP01/11677, which claimed priority to an earlier application filed 16 October 2000. A copy of the international application was communicated by the International Bureau to the United States Patent and Trademark Office on 25 April 2002. The thirty-month (30) time period for paying the basic national fee in the United States of America expired at midnight on 16 April 2003.

On 15 Apr 2003, petitioner 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 accompanied the above papers.

On 24 June 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" must be submitted within two months from its 24 June 2003 date of mailing, in order to avoid abandonment of the national stage application.

On 25 August 2003, petitioner filed the present petition, a declaration in support of filing on behalf of omitted inventor Jutta Berndt accompanied, inter alia, an executed Declaration without the signatures of Jutta Berndt.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a):

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and 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.
>
> 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) and (3) - (4) of 37 CFR 1.47(a) but not requirement (2).

Regarding requirement (1), petitioner has provided the fee under 37 CFR 1.17(h).

Regarding requirement (2), in this case, it has not been sufficiently demonstrated that a copy of the application papers were presented to the non-signing inventor, Jutta Berndt. Petitioner states that the application papers were sent to Jutta Berndt on April 15, 2003 and received on April 17, 2003 as evidenced by the non-signing inventor's husband signature of receipt. The papers forwarded to her, however, did not appear to include a copy of the complete application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP 409.03(d) since only the declaration and assignment were mentioned as being sent to her last known addresses.

Although documentary evidence to support this assertion has been provided such as the postal receipt, the document is in German and no English translation has been provided. Consequently, it is unclear what is said in that document. In addition, petitioner has not provided a copy of the cover letter that was sent with the papers.

Moreover, it is not clear from the petition that it was Volker Hiller who performed the items listed in paragraph 3 of his declaration, and has first hand knowledge of those facts as required by MPEP Section 409.03(d). If Volker Hiller was not the person who performed the actions listed in paragraph 3, petitioner will need to submit statements, with specific facts on the actions referred to by paragraph 3 by persons who have first-hand knowledge of such facts.

Regarding requirement 3, petitioner has provided a statement of the last known address of the missing inventor.

Regarding requirement 4, petitioner has provided an executed declaration signed by Mr. Matthias MARX on his behalf and on the behalf of the nonsigning joint inventor Jutta BERNDT.

Consequently, the current record does not sufficiently establish Ms. Berndt's refusal to join in the application because no evidentiary documents have been submitted to show that a *bona fide* attempt was made to deliver the complete application to her and that she refused to sign the required papers.

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)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

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.

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03 MAR 200

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In re Aplication of	:	DECISION ON RENEWED
BERNDT et al	:	
PCT No.: PCT/EP01/11677	:	
Application No: 10/399,191	:	
Int. Filing Date: 09 October 2001	:	PETITION UNDER
Priority Date: 16 October 2000	:	
Attorney's Docket No.: 4881-8PUS	:	
For: Heat-Sensitive Recording Sheet	:	
Use of the Same	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)," filed on 13 May 2004.

BACKGROUND

In a decision from this Office on 12 March 2004, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that requirement (2) under 37 CFR 1.47(a) was not met because the petition did not sufficiently demonstrated that a copy of the application papers were presented to the non-signing inventor, Jutta Berndt.

On 09 November 2004, submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 12 March 2004. Petitioner indicates that the attached Declaration evidences that applicant has sent all the application papers including a copy of the international application to the non-signing inventor and Ms. Berndt has maintained her refusal to sign.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a):

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 09 November 2004 does not still satisfy the requirements (2) under 37 CFR 1.47(a).

Mr. Hiller's averments do not sufficiently demonstrate that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for her signature as stipulated under MPEP 409.03(d) since it is unclear if he has first hand knowledge of these act. For example, ¶ 3 indicates that, "the above reference U.S. Patent application were sent with a stamped return envelope," but it is unclear who was the person who mailed the application. If Mr. Hiller was not the person who performed the actions listed in paragraph 3, petitioner will need to submit statements, with specific facts on the actions referred to by paragraph 3 by the persons who has first-hand knowledge of mailing the application to the non-signing inventor.

In addition, the documentary evidence to support this assertion has been provided in German but no English translation has been provided with it. Consequently, it is unclear what is said in that document.

Consequently, the current record does not sufficiently establish Ms. Berndt's refusal to join in the application because no proper evidentiary document has been submitted to show that a *bona fide* attempt was made to deliver the complete application to her and that she refused to sign the required papers.

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 "Second Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

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.

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30 JUN 2005

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In re Aplication of	:	DECISION ON
BERNDT et al	:	
PCT No.: PCT/EP01/11677	:	
Application No: 10/399,191	:	SECOND RENEWED PETITION
Priority Date: 16 October 2000	:	
Attorney's Docket No.: 4881-8PUS	:	
For: Heat-Sensitive Recording Sheet	:	
Use of the Same	:	UNDER 37 CFR 1.47(a)

This is in response to the "SECOND RENEWED PETITION UNDER 37 CFR 1.47(a)," filed on 04 May 2005.

BACKGROUND

In a decision from this Office on 03 March 2005, the petition filed on 13 May 2004 under 37 CFR 1.47(a) was dismissed. The decision stated that requirement (2) under 37 CFR 1.47(a) was not met because it was unclear if Mr. Hiller had first hand knowledge of the actions performed to mail the application to the nonsigning inventor.

On 04 May 2005, submitted a "Second Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 03 March 2005. Petitioner states that Mr. Hiller had first knowledge of placing and mailing the package to Mr. Hiller.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a):

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 04 May 2005 has satisfied the requirements under 37 CFR 1.47(a).

Mr. Hiller's averments do sufficiently demonstrate that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for her signature as stipulated under MPEP 409.03(d). In this instance, Mr. Hiller, states that on April 2, 2004 the U.S. Patent application was sent to the non-signing inventor's address with the request that she sign the papers and return them. Petitioner has also provided English translations of the cover letter and registered mail receipt.

In addition, Mr. Hiller states that Ms. Berndt called him and asked him for a personal interview about this matter. On April 9, 2004 at 4:00 pm he visited her at her home, and after their talk she refused to sign the required papers.

Consequently, the current record does sufficiently establish that Ms. Berndt refusal to join in the application because petitioner has shown a *bona fide* attempt was made to deliver the complete application to her and that she orally refused to sign the required when Mr. Hiller visited at her home.

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

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 United States Designated/Elected Office (DO/EO/US) for continued processing to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **15 April 2003.**

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30 JUN 2005

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Jutta Berndt
Sportplatz Straβe 7, 77704
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In re Aplication of
BERNDT et al
PCT No.: PCT/EP01/11677
Application No: 10/399,191
Priority Date: 16 October 2000
Attorney's Docket No.: 4881-8PUS
For: Heat-Sensitive Recording Sheet
Use of the Same

Dear Jutta Berndt:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

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29 JUL 2004

#6

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Pillsbury Winthrop, LLP
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McLean, VA 22102

In re Application of	:	
COBB, Mark	:	
Application No. 10/399,192	:	DECISION ON PETITION
PCT No.: PCT/IB01/01946	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 16 October 2001	:	
Priority Date: 19 October 2000	:	
Attorney Docket No.: O303166	:	
For: APPARATUS AND METHOD FOR HYDROFORMING A TUBULAR PART	:	

This decision is in response to applicant's "Petition under 37 C.F.R. 1.47(b) for Filing of Patent Application When All Inventors Refuse to Sign Declaration" filed 22 March 2004 to accept the application without the signature of inventors, Mark Cobb and Erich Gensenberger.

BACKGROUND

On 16 October 2001, applicant filed international application PCT/IB01/01946 which claimed a priority date of 19 October 2000. A Demand was filed with the International Preliminary Examination prior to the 19th month from the earliest claimed priority date. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was extended to expire 30 months from the priority date, 19 April 2003.

On 15 April 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) and a copy of international application.

On 22 August 2003, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed. The notification set a two-month time limit in which to respond.

On 22 March 2004, applicant filed the present petition under 37 CFR 1.47(b) and five-month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(i); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. The 37 CFR 1.47(b) applicant has satisfied the requirements of item (1) through (4) and (6) above. However, item (5) has not been satisfied.

Concerning Item (5), section 409.03(f) of the M.P.E.P., **Proof of Proprietary Interest**, states, in part:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that, as of the date the application is deposited in the Patent and Trademark Office, (1) the invention has been assigned to the applicant, or (2) the inventor has agreed in writing to assign the invention to the applicant, or (3) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.
>
> If the application assigned, a copy of the assignment (in the English Language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant prior to the date the application is deposited in the Patent and Trademark Office. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324) . . .
>
> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by affidavit or declaration that those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by the affidavit or declaration of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.
>
> If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

> A proprietary interest obtained otherwise than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

As to item 5, petitioner has not submitted sufficient evidence that the inventor assigned the instant application to Magna International, Inc. (via Cosma International, Inc.). Specifically, the assignment submitted by petitioner is directed to U.S. Provisional Serial No. 60/241,337. As stated in MPEP section 306, "[i]n the cases of a substitute or continuation-in-part, a prior assignment of the original application is not applied to the substitute or continuation-in-part application because the assignment recorded against the original application gives the assignee rights to only the subject matter common to both applications. Substitute or continuation-in-part application require a new assignment if they are to be issued to an assignee." Petitioner states that "[t]he subject nonprovisional application claims priority to U.S. provisional application no. 60/241,337 and is substantially identical thereto." However, petitioner fails to indicate whether the international application includes subject matter that is not common with subject matter of the provisional application. Therefore, further clarification is required that the PCT application does not disclose additional subject matter not disclosed in the provisional application.

As stated above, when an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that, as of the date the application is deposited in the Patent and Trademark Office, (1) the invention has been assigned to the applicant, or (2) the inventor has agreed in writing to assign the invention to the applicant, or (3) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application. Therefore, further evidence is required to establish that the assignment in fact constitutes an assignment of the instant application to Magna International, Inc. (via Cosma International, Inc.)

For the reasons stated above, it would not be appropriate to accept the application without the signature of Mark Cobb and Erich Gensenberger under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition filed under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO MONTHS** from the mailing date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b).

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.

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16 DEC 2004

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McLean, VA 22102

In re Application of :
COBB, Mark :
Application No. 10/399,192 : DECISION ON PETITION
PCT No.: PCT/IB01/01946 : UNDER 37 CFR 1.47(b)
Int. Filing Date: 16 October 2001 :
Priority Date: 19 October 2000 :
Attorney Docket No.: O303166 :
For: APPARATUS AND METHOD FOR :
HYDROFORMING A TUBULAR PART

This decision is in response to applicant's "Petition under 37 C.F.R. 1.47(b) for Filing of Patent Application When All Inventors Refuse to Sign Declaration" filed 22 March 2004 to accept the application without the signature of inventors, Mark Cobb and Erich Gensenberger.

BACKGROUND

On 16 October 2001, applicant filed international application PCT/IB01/01946 which claimed a priority date of 19 October 2000. A Demand was filed with the International Preliminary Examination prior to the 19th month from the earliest claimed priority date. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was extended to expire 30 months from the priority date, 19 April 2003.

On 15 April 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) and a copy of international application.

On 22 August 2003, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed. The notification set a two-month time limit in which to respond.

On 22 March 2004, applicant filed the present petition under 37 CFR 1.47(b) and a five-month extension of time. The petition was dismissed without prejudice in a Decision on Petition dated 29 July 2004.

On 29 September 2004, applicant filed the present renewed petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(i); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. The 37 CFR 1.47(b) applicant has satisfied the requirements of item (1) through (4) and (6) above. However, item (5) has not been satisfied.

A review of the materials submitted with the renewed petition reveals that applicant has now submitted materials which, taken in combination with the previous submissions, satisfy all the requirements for a grantable petition under 37 CFR 1.47(b).

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application will be given an international filing date of 16 October 2001 under 35 U.S.C. 363, and a date of **09 October 2003** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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16 DEC 2004

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In re Application of
COBB, Mark
Application No. 10/399,192
PCT No.: PCT/IB01/01946
Int. Filing Date: 16 October 2001
Priority Date: 19 October 2000
Attorney Docket No.: O303166
For: APPARATUS AND METHOD FOR HYDROFORMING A TUBULAR PART

Dear Mr. Cobb:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.497.

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Counsel of Record:
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16 DEC 2004

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In re Application of
COBB, Mark
Application No. 10/399,192
PCT No.: PCT/IB01/01946
Int. Filing Date: 16 October 2001
Priority Date: 19 October 2000
Attorney Docket No.: O303166
For: APPARATUS AND METHOD FOR HYDROFORMING A TUBULAR PART

Dear Mr. Genseberger:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.497.

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10 FEB 2005
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In re Application of	:	
COBB, Mark	:	(AMENDED)
Application No. 10/399,192	:	DECISION ON PETITION
PCT No.: PCT/IB01/01946	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 16 October 2001	:	
Priority Date: 19 October 2000	:	
Attorney Docket No.: O303166	:	
For: APPARATUS AND METHOD FOR HYDROFORMING A TUBULAR PART	:	

This amended[1] decision is in response to applicant's "Petition under 37 C.F.R. 1.47(b) for Filing of Patent Application When All Inventors Refuse to Sign Declaration" filed 29 September 2004 to accept the application without the signature of inventors, Mark Cobb and Erich Gensenberger.

BACKGROUND

On 16 October 2001, applicant filed international application PCT/IB01/01946 which claimed a priority date of 19 October 2000. A Demand was filed with the International Preliminary Examination prior to the 19th month from the earliest claimed priority date. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was extended to expire 30 months from the priority date, 19 April 2003.

On 15 April 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) and a copy of international application.

On 22 August 2003, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed. The notification set a two-month time limit in which to respond.

On 22 March 2004, applicant filed a petition under 37 CFR 1.47(b) and a five-month

[1]The "Decision on Petition" mailed 16 December 2004 incorrectly identified the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date as 09 October 2003. The correct 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date is **22 March 2004**, as indicated on page 2 of the amended Decision on Petition.

extension of time. The petition was dismissed without prejudice in a Decision on Petition dated 29 July 2004.

On 29 September 2004, applicant filed the present renewed petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(i); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

A review of the materials submitted with the renewed petition reveals that applicant has now submitted materials which, taken in combination with the previous submissions, satisfy all the requirements for a grantable petition under 37 CFR 1.47(b).

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application will be given an international filing date of 16 October 2001 under 35 U.S.C. 363, and a date of **22 March 2004** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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15 JUL 2003

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In re Application of	:	
Oren et al.	:	
US Application No.: 10/399,196	:	
PCT Application No.: PCT/US01/32180	:	
International Filing Date: 10 October 2001	:	DECISION ON PETITION
Priority Date: 10 October 2000	:	UNDER 37 CFR 1.47(a)
Attorney's Docket No.: 11720-0009US	:	
For: METHOD AND SYSTEMS FOR	:	
ONLINE SALES AND PURCHASES	:	

This decision is in response to the "Letter re Missing Signatures" filed on 10 April 2003, which is being properly treated as a petition under 37 CFR 1.47(a) for the available inventors to file the above-referenced application on behalf of themselves and the inventors who allegedly refused to join in this application.

BACKGROUND

On 10 October 2001, Applicants filed international application PCT/US01/32180, which claimed priority of an earlier application filed on 10 October 2000. Therefore, the 30-month period for entering the national stage ended on 10 April 2003.

On 10 April 2003, Applicants filed a transmittal letter for entry into the national stage in the United States (Form PTO-1390), accompanied by the $50 (small entity) basic national fee required by 35 U.S.C. 371(c)(1) and 37 CFR 1.492(a)(4), and a "Combined Declaration and Power of Attorney" executed by 3 of the 5 named inventors, asserting that the 2 remaining inventors refused to sign the declaration.

DISCUSSION

A petition under 37 CFR 1.47(a) must include (1) the $130 petition fee required by 37 CFR 1.17(h); (2) a statement of facts showing that the non-signing inventor(s) refused to join in the application or cannot be reached after diligent effort; (3) the last known address of the non-signing inventor(s); and (4) an oath or declaration executed by each available inventor on behalf of his or her own behalf as well as the non-signing inventor(s).

As to item (1), the $130 petition fee has been charged to Deposit account No. 07-0135 as authorized in the Form PTO-1390.

The petition fails to meet the requirement set forth in item (2), in that, it does not include a statement of facts, signed by a person with first hand knowledge of the facts recited therein, stating that

07/15/2003 SNAJARRD 00000156 070135 10399196
01 FC:1460 80.00 DP 50.00 DP

a copy of the entire application (specification including claims; drawings) had been presented to each of the non-signing inventors before concluding that they refused to sign the declaration.

The petition also lacks item (3), the last known address for each of the inventors who allegedly refused to sign the application declaration.

With regard to item (4), as explained in this paragraph, the declaration submitted with the instant petition is not accepted. This declaration consists of four pages. The first two pages, apparently on original paper generated from a printer, include the application-identifying information and priority claim. The third page, containing the signature of one inventor, bears on the top margin the date and time of its transmission by facsimile: "04/10/2003 09:49". The fourth page, signed by two other inventors, appears to have been transmitted by facsimile, according to the information in its top margin: "04/10/2003 13:14". Based on these facts, it appears that the declaration that has been filed in the instant application is in fact a composite of portions of separately executed declarations. As such, the declaration is improper and is therefore not accepted.

In view of the above, the §1.47(a) petition is **DISMISSED without prejudice.**

To avoid abandonment of this application, either of the following must be filed within **TWO MONTHS** of the mailing date of this decision:

(A) An oath or declaration executed by all the named inventors;

(B) A renewed §1.47(a) petition (no petition fee) that complies with the requirements of items (2), (3) and (4) above, and includes a cover letter entitled "Renewed Petition under 37 CFR 1.47(a)."

The 2-month period may be extended 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:

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22 DEC 2004

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In re Application of	:	
OREN et al	:	
Application No.: 10/399,196	:	
PCT No.: PCT/US01/32180	:	
Int. Filing Date: 10 October 2001	:	DECISION
Priority Date: 10 October 2000	:	
Atty. Docket No.: 11720-0009US	:	
For: METHOD AND SYSTEM FOR ONLINE SALES...	:	

This is in response to applicants' "SUPPLEMENTAL PETITION" filed in the U.S. Patent and Trademark Office (USPTO) on 18 November 2003.

BACKGROUND

On 10 October 2001, applicants filed international application No. PCT/US01/32180 which claimed a priority date of 10 October 2000, and which designated the United States.

The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was to expire 30 months from the priority date, i.e. 10 April 2003.

On 10 April 2003, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia,: the basic national fee, a declaration of the inventors and a petition under 37 CFR 1.47(a) requesting that the declaration be accepted without the signatures of two of the joint inventors.

On 15 July 2003, the USPTO mailed a decision dismissing the petition on the grounds that applicants had not submitted an acceptable statement of facts, the last know addresses of the non-signing inventors, or an acceptable declaration of the inventors.

On 18 November 2003, applicants filed the present "SUPPLEMENTAL PETITION."

DISCUSSION

The present submission indicates that it is supplemental to an earlier filed "Renewed Petition Under 37 C.F.R. 1.47(a) to Proceed with Patent Application in the Absence of Inventors' Signatures on Declaration." However, a review of the application file reveals that no such renewed petition was received by the Office. Therefore, the application is presently held to be abandoned for failure to timely file a proper response to the 15 July 2003 decision on petition.

CONCLUSION

For the reasons above, the application is **ABANDONED**.

Applicants may wish to consider filing a petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment. Such a petition must be accompanied by acceptable evidence of the filing of the renewed petition (e.g., a date stamped postcard receipt) and a true copy of the originally filed papers. In the alternative applicants may wish to consider filing a petition to revive the application under 37 CFR 1.137. Either response should be filed promptly.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Mail Stop PCT, PO Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

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In re Application of	:	
OREN et al	:	
Application No.: 10/399,196	:	
PCT No.: PCT/US01/32180	:	
Int. Filing Date: 10 October 2001	:	DECISION
Priority Date: 10 October 2000	:	
Atty. Docket No.: 11720-0009US	:	
For: METHOD AND SYSTEM FOR ONLINE SALES...	:	

This is in response to applicants' "PETITION UNDER RULE 37 C.F.R. 1.181" filed in the U.S. Patent and Trademark Office (USPTO) on 12 January 2005.

BACKGROUND

On 10 October 2001, applicants filed international application No. PCT/US01/32180 which claimed a priority date of 10 October 2000, and which designated the United States.

The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was to expire 30 months from the priority date, i.e. 10 April 2003.

On 10 April 2003, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia,: the basic national fee, a declaration of the inventors and a petition under 37 CFR 1.47(a) requesting that the declaration be accepted without the signatures of two of the joint inventors.

On 15 July 2003, the USPTO mailed a decision dismissing the petition on the grounds that applicants had not submitted an acceptable statement of facts, the last know addresses of the non-signing inventors, or an acceptable declaration of the inventors.

On 18 November 2003, applicants filed a "SUPPLEMENTAL PETITION."

On 22 December 2004, the USPTO mailed a decision indicating that the application was abandoned for failure to properly respond to the 15 July 2003 decision.

On 12 January 2005, applicants filed the present petition which alleges that a proper response to the 15 July 2003 decision, in the form of a "RENEWED PETITION UNDER 37 C.F.R. 1.47(a)", was filed on 17 November 2003. The present petition was accompanied by a copy of the renewed petition and a postcard receipt bearing a USPTO datestamp of 17 November 2003.

DISCUSSION

Petition under 37 CFR 1.181

A review of the application file reveals that applicants have provided sufficient evidence to establish that a proper response to the 15 July 2003 decision was filed 17 November 2003. The proof is in the form of the copy of the receipt for the present application which bears a PTO datestamp of " 17 NOV 2003" and which itemizes, inter alia, the renewed petition. Therefore, in view of the postcard receipt and counsel's statement in the present petition that the copy of the papers as submitted with the present petition are "True copies of all the papers filed November 17, 2003", the copy of the renewed petition and accompanying papers may properly be accepted as having been filed on 17 November 2003.

Renewed Petition under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicants have satisfied items (1) and (3) above.

Concerning item (2) above, the renewed petition asserts that the present application should be accepted for entry into the national stage based on the fact that joint inventors Slonaker and Predosin have refused to join in the present application for patent.

Section 409.03(d) of the Manual Of Patent Examining Procedure (MPEP), under the heading "REFUSAL TO JOIN" states, in part:

> 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 ... 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 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. (Emphasis added)

A review of the application file reveals that item (2) cannot be said to have been satisfied at this time. Specifically, with respect to inventor Slonaker, applicants have submitted a declaration by Robert Lunny in support of the fact that Ms. Slonaker refuses to execute the application papers. However, Mr. Lunny's statement is insufficient in that it doesn't set forth the time (i.e., date) of the express oral refusal as required by the MPEP, nor has it been accompanied by documentary evidence of the facts set forth in the form of a copy of the April 2003 letter to Ms. Slonaker which was allegedly accompanied by the complete copy of the application papers.

With respect to the refusal of Mr. Predosin, applicants have submitted a declaration by Thomas MacBlain in support of the fact that Mr. Predosin refuses to execute the application papers. However, Mr. MacBlain's statement is insufficient in that it does not set forth that Mr. Predosin has been presented with a complete copy of the application papers prior to his refusing to execute the application. The present renewed petition alleges that in the case of Mr. Predosin it is not necessary to forward a copy of the application papers. However, as clearly set forth in the MPEP, such is necessary in order to ensure that the inventor is apprised of the application to which the oath or declaration is directed.

Regarding item (4) above, the declaration submitted with the present renewed petition is unacceptable in that it is a composite of multiple separate declarations. Specifically, applicants have submitted a single complete four (4) page declaration executed by two of the three signing joint inventors and a single page 4 of a second declaration signed by the third signing joint

inventor. Applicants must file complete copies of each declaration as executed by the individual inventors.

Therefore, in that applicants have not satisfied items (2) and (4) above, the renewed petition under 37 CFR 1.47(a) may not be properly granted at this time.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED**, and the holding of abandonment is hereby **WITHDRAWN**.

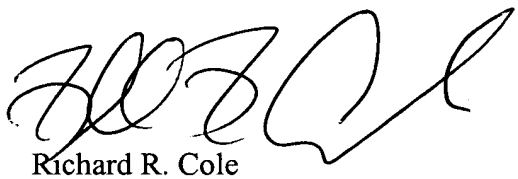
Also for the reasons above, the renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

A proper response must include either (a) a declaration executed by all of the inventors, or (b) an acceptable showing that the missing joint inventors have refused to execute the application as discussed above and proper declarations of the signing inventors.

Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Mail Stop PCT, PO Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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In re Application of	:	
OREN et al	:	
Application No.: 10/399,196	:	
PCT No.: PCT/US01/32180	:	
Int. Filing Date: 10 October 2001	:	DECISION
Priority Date: 10 October 2000	:	
Atty. Docket No.: 11720-0009US	:	
For: METHOD AND SYSTEM FOR ONLINE SALES...	:	

This is in response to applicants' "SECOND RENEWED PETITION UNDER RULE 37 C.F.R. 1.47(a)" filed in the U.S. Patent and Trademark Office (USPTO) on 01 April 2005.

BACKGROUND

On 01 February 2005, the USPTO mailed a decision dismissing applicants' earlier renewed petition on the grounds that applicants had not submitted an acceptable showing that the missing inventors refused to execute the application or an acceptable declaration of the inventors.

On 01 April 2005, applicants filed the present further renewed petition. The present petition was accompanied by, *inter alia,* three declarations executed by the signing inventors and two supplemental statements of facts.

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. Applicants had previously satisfied items (1) and (3) above. A review of the present renewed petition and accompanying papers reveals that item (4) has also now been satisfied.

Concerning item (2) above, the review of the present renewed petition and accompanying papers reveals that this item has now been satisfied with respect to inventor Slonaker. However, item (2) still cannot be said to have been satisfied with respect to inventor Predosin.

With respect to the refusal of Mr. Predosin, petitioner continues to assert that, based on the reasoning in *In re Gray,* it is not necessary to forward a copy of the application papers to Mr. Predosin. However, as was the case in *In re Gray,* there does not appear to have been general refusal on Mr. Predosin's part in this application, but rather a specific refusal to sign any documents related to the specific application in question. Unless Mr. Predosin is presented with a copy of the present application it cannot be assured that he is actually aware of, and that he is not mistaken in his understanding of, which specific application he is being asked to execute. Therefore, absent a general refusal to negotiate or an express statement that the application papers should not be sent, the petition may not be properly granted without a showing that a *bona fide* attempt was made to present Mr. Predosin with the application papers and that subsequently he refused to sign them.

Therefore, in that applicants still have not satisfied item (2) above, the renewed petition under 37 CFR 1.47(a) may not be properly granted at this time.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Third Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

A proper response must include either (a) a declaration executed by all of the inventors, or (b) an acceptable showing that the missing joint inventors have refused to execute the application as discussed above.

Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Mail Stop PCT, PO Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

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In re Application of	:	
OREN et al	:	
Application No.: 10/399,196	:	
PCT No.: PCT/US01/32180	:	
Int. Filing Date: 10 October 2001	:	DECISION
Priority Date: 10 October 2000	:	
Atty. Docket No.: 11720-0009US	:	
For: METHOD AND SYSTEM FOR ONLINE SALES AND PURCHASES	:	

This is in response to applicants' "THIRD RENEWED PETITION UNDER RULE 37 C.F.R. 1.47(a)" filed in the U.S. Patent and Trademark Office (USPTO) on 09 June 2005.

BACKGROUND

On 13 April 2005, the USPTO mailed a decision dismissing applicants' earlier renewed petition on the grounds that applicants had not submitted an acceptable showing that missing inventor Predosin had refused to execute the application.

On 09 June 2005, applicants filed the present further renewed petition. The present petition was accompanied by, *inter alia,* a supplemental statement of facts by Richard Solar.

DISCUSSION

As set forth previously, 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. Previously, items (1), (3) and (4) above had been indicated as having been satisfied, and item (2) had been indicated as having been satisfied with respect to inventor Slonaker.

Concerning item (2) above, the review of the present renewed petition and accompanying papers reveals that this item has now also been satisfied with respect to inventor Predosin.

However, with respect to item (3), a review of the documentary evidence which accompanied the petition reveals that the previously presented last known address for inventor Predosin is different than that indicated in the header of the letter mailed to him. Therefore, before the present petition can properly be granted, in view of the discrepancy with respect to inventor Predosin and in view of the fact that the statement of the last known address for inventor Slonaker is now almost two years old, applicants are required, with respect to both non-signing inventors, to either update the last known address or provide an indication that the previously submitted address is in fact the last known address of which applicants are aware.

CONCLUSION

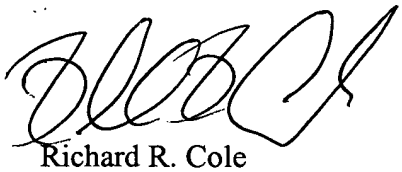
For the reasons above, the renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Further Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

A proper response must include either (a) a declaration executed by all of the inventors, or (b) a statement of the last known addresses of the non-signing inventors.

Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Mail Stop PCT, PO Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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#14

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In re Application of	:	
OREN et al	:	
Application No.: 10/399,196	:	
PCT No.: PCT/US01/32180	:	
Int. Filing Date: 10 October 2001	:	DECISION
Priority Date: 10 October 2000	:	
Atty. Docket No.: 11720-0009US	:	
For: METHOD AND SYSTEM FOR ONLINE SALES AND PURCHASES	:	

This is in response to applicants' "FOURTH RENEWED PETITION UNDER RULE 37 C.F.R. 1.47(a)" filed in the U.S. Patent and Trademark Office (USPTO) on 14 November 2005 which again requests that the application be accepted without the signature of joint inventors Diane Slonaker and Mirko Predosin on the grounds that they refuse to execute the application. The petition is **GRANTED** as discussed below.

On 14 September 2005, this Office mailed a decision on applicants' third renewed petition. The decision required that applicants verify the last known addresses of the non-signing inventors.

A review of the application file reveals that the present renewed petition was accompanied by, *inter alia*, a statement of the last known addresses of the missing inventors. Therefore, the requirements of 37 CFR 1.47(a) have now been satisfied.

A further review of the application file reveals that the requirements for entry into the national stage in the U.S. under 35 U.S.C. 371 have also now been satisfied.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at the last known address of record as set forth in the present papers, and a notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application has an international filing date of 10 October 2001, under 35 U.S.C. 363 and a date of **01 April 2005**, under 35 U.S.C. 371(c).

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Richard R. Cole
PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
Fax: (571) 273-0459

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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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

MAILED

FEB 25 2009

OFFICE OF PETITIONS

In re Patent No.: 6,949,621 :
Issue Date: September 27, 2005 :
Application No.: 10/399,234 : DECISION ON PETITION
Filed: April 14, 2003 :
Attorney Docket No. SAE-011 :

This is a decision on the renewed petition under 37 CFR 1.182, filed November 25, 2008, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue a duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Niomi Farmer in the Office of Data Management at (703) 308-9250, Ext. 129.

A copy of this decision is being faxed to Office of Data Management for issuance of a duplicate Letters Patent.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, South Tower, 8th Floor, Room C23 (Fax No. (571) 270-9753)

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meb

Mailed: 2-7-07

In re application of :
Bruchmann et al. : DECISION ON
Serial No. 10/399,255 : PETITION
Filed: April 14, 2003 :
For: LIQUID PRINTING INKS FOR FLEXOGRAPHIC AND/OR GRAVURE PRINTING USING HYPERBRANCHED POLYMERS AS BINDERS

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION, MAILED December 14, 2006.

On June 15, 2006, a non-final office action was mailed to applicants. The office action contained a rejection under 35 USC 103 (a) of claim 16 over the combination of Batlaw and Wang in view of Latunski. The office action also contain a 103 (a) rejection of claims other than claim 16 over the combination of Zhu and GB 2324797.

A reply to the office action was filed on October 16, 2006. In the reply, applicants amended independent claim 16 to include the limitation that the ink comprises no water. The amendment overcame the 35 USC 103 (a) rejection of claim 16 over the combination of Batlaw and Wang in view of Latunski.

On December 14, 2006 a final office action was mailed. The previous rejection of claim 16 was withdrawn and a new ground of rejection was added, which included a rejection of claim 16 over Zhu and GB 2324797 in view of Latunski. The examiner stated in the office action that the new ground of rejection was necessitated by Applicant's amendments to the claims and the office action was made final. On December 18, 2006, the instant petition was timely filed.

Petitioner has argued that the finality of the last office action is improper. Petitioner argues that the new ground of rejection was not necessitated by Applicant's amendment and that the examiner has switched grounds of rejection from one set of references to another in successive actions regarding claims of substantially the same subject matter.

DECISION

Section 706.07(a) of the MPEP states:

706.07(a) Final Rejection, When Proper on Second Action

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

The non-final office action contained a proper rejection under 35 USC 103 (a) of claim 16 over the combination of Batlaw and Wang in view of Latunski. The office action also contained proper 103 (a) rejections of claims other than claim 16 over the combination of Zhu and GB 2324797. Applicants amended the independent claim 16 to include the limitation that the ink comprises no water. This limitation overcame the combination of Batlaw and Wang in view of Latunski. It is argued that because the examiner could have applied the combination of Zhu and GB 2324797 in view of Latunski to previous claim 16, it would not be proper to make the present action final, because the rejection would not have been necessitated by the amendment. The petitioner also argues that the finality was premature because the examiner has switched grounds of rejection from one set of references to another in successive actions regarding claims of substantially the same subject matter.

This argument is not persuasive. In the instant case, when applicants amended the claim to overcome the prior art, a new ground of rejection was necessitated. Prior to amendment, claim 16 was properly rejected over the combination of Batlaw and Wang in view of Latunski and the new rejection was required due to applicant's amendment to claim 16. The fact that the newly cited combination of Zhu and GB 2324797 in view of Latunski could have been applicable against the broader, previous version of claim 16, does not change the fact that applicant's amendment clearly caused it to be cited. Under petitioner's scenario, if a newly cited rejection could not be made final if it was applicable against a previously presented broad claim, then one would be given unlimited attempts to overcome references by amendment until an allowable claim was presented. The only solution would be for the examiner to made multiple, cumulative rejections covering every possible amendment that applicant could make. This contradicts the present final rejection practice and compact prosecution. In the instant case, the examiner had no way of knowing that applicants would choose to amend the claims in the manner they did so as to necessitate a new reference combination.

Accordingly, the examiner properly made the December 14, 2006 office action final. The petition is **DENIED**

Jacqueline M. Stone

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

MICHAEL P. BYRNE
NOVAK DRUCE DELUCA &QUIGG, LLP
1300 EYE STREET N.W.
400 EAST TOWER
WASHINGTON, DC 20005

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JOSEPH S TRIPOLI
THOMSON MULTIMEDIA LICENSING INC
PATENT DEPARTMENT
P O BOX 5312
PRINCETON NJ 08540

COPY MAILED

JUN 10 2008

OFFICE OF PETITIONS

In re Application of :
Dieter DIETER et al. :
Application No. 10/399,273 : DECISION ON PETITION
Filed: April 16, 2003 :
Attorney Docket No. **PF000102** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 13, 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 application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed July 24, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 25, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

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). See the copy of the Advisory Action attached hereto.

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

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

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

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Please see attached PTOL-303

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/399,273	Applicant(s) HAUPT ET AL.	
	Examiner SAKET K. DAFTUAR	Art Unit 2151	

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

THE REPLY FILED 13 February 2008 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 Continuation Sheet*. (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: *1-10*.
   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: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: _____.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 3. NOTE: applicant amended all indpendent claims that changes the scope of all claims and requires further considerations and/or search.

Customer No. 24498
PF000102 US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Dieter Haupt, et al.
Serial No.: 10/399,273
Filed: April 16, 2003
For: METHOD FOR DETERMINING A TIMEOUT DELAY IN A NETWORK

Examiner: Saket K. Daftuar
Group Art Unit: 2151

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

Do not Enter / Enter upon RCE

AMENDMENT UNDER 37 CFR 1.116

Sir:

In response to the Office Action mailed July 24, 2007, the Applicants request consideration of the following remarks. A Petition to revive pursuant to 37 C.F.R. 1.137(b) is attached herewith. Please charge the fee of $1,540.00 for the filing of the attached Petition.

Listing and Amendments to the Claims begin on page 2 of this paper.
Remarks/Arguments begin on page 6 of this paper.

CERTIFICATE OF TRANSMISSION

I hereby certify that this amendment is being faxed to the United States Patent & Trademark Office, fax # 571-273-8300. Mail Stop: AF on:

2-13-08
Date

Fideliz Romero
Fideliz Romero

PAGE 1/13 * RCVD AT 2/13/2008 3:52:33 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-4/10 * DNIS:2738300 * CSID:609 734 6888 * DURATION (mm-ss):03-58

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THOMSON MULTIMEDIA LICENSING INC
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PRINCETON NJ 08540

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OFFICE OF PETITIONS

In re Application of :
Dieter HAUPT et al. :
Application No. 10/399,273 : DECISION ON PETITION
Filed: April 16, 2003 :
Attorney Docket No. **PF000102** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 26, 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 July 24, 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 October 25, 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. Accordingly, the reply to the final Office Action of July 24, 2007 is accepted as having been unintentionally delayed.

The petition fee of $1540 included with the instant petition is unnecessary and is being credited to Deposit Account 07-0832.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 2151 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.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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NORRIS, McLAUGHLIN & MARCUS
875 THIRD AVENUE
18TH FLOOR
NEW YORK, NY 10022

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In re Application of :
Ralf Wiedermann et al :
Application No. 10/399,278 : DECISION ON PETITION
Filed: November 7, 2003 : UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. 102792-109 :

This is a decision on the petition, filed December 26, 2006, which is being treated as a petition under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for consideration of a continuation application under 37 CFR 1.53(b), filed concurrently with the present petition.[1]

While the petition did not include a statement of express abandonment, the statements presented in the petition will be construed as a request to expressly abandon this application in favor of the continuation application.[2] As such, the petition complies with the requirements of 37 CFR 1.313(c)(3).

---

[1] The continuation application papers were hand carried with the petition to withdraw from issue to the Office of Petitions. However, the continuation application papers should have been filed with the mail room, and not with the Office of Petitions. The continuation papers (consisting of 14 pages of the specification, 2 pages of claims 1 through 10, 1 page of the abstract, 4 pages of an Application Data Sheet, an unexecuted Combined Oath, Declaration and Power of Attorney, Information Disclosure Statement (with references), and Great Britain priority documents for Application Nos. 0025543.0 and 0025540.60 are acknowledged as having been received with the petition. The papers will be forwarded to the appropriate office for processing.

[2] If this is an incorrect reading of the statements presented, petitioner must promptly notify the Office.

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

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

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Dec10\399278.wpd

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

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DEC 22 2008

OFFICE OF PETITIONS

ON PETITION

In re Patent No. 7,364,919 :
Issue Date: April 29, 2008 :
Application No. 10/399,284 :
Filed: October 29, 2003 :
Attorney Docket No. 58767(46322) :

This is a decision on the petition filed May 22, 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) 272-3205. 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.

Alesia M. Brown
Petitions Attorney
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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OFFICE OF PETITIONS

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Patent No. 7,364,919	:	DECISION ON APPLICATION FOR
Issued: April 29, 2008	:	PATENT TERM ADJUSTMENT and
Application No. 10/399,284	:	NOTICE OF INTENT TO ISSUE
Filed: October 29, 2003	:	CERTIFICATE OF CORRECTION
Dkt. No.: 58767(46322)	:	

This is a decision on the "PETITION FOR REVIEW OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §§ 1.181 & 1.705(d)," filed May 22, 2008. This matter is being properly treated under 37 CFR 1.705(d) as an application for patent term adjustment.

The request for reconsideration of patent term adjustment (PTA) is **GRANTED TO THE EXTENT INDICATED HEREIN**.

The above-identified application matured into U.S. Patent No. 7,364,919 on April 29, 2008. The patent issued with an adjustment of 535 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See, 37 CFR 1.705(d).

Patentees request that the patent term adjustment be increased from 535 days to 673 days. Patentees assert that the patent is entitled to a final adjustment of 673 days (adjustment totaling 744 days less reductions totaling 71 days).

The adjustment of 653 days accorded under 37 CFR 1.702(a)(1) is not in dispute. The reduction of 27 days under 37 CFR 1.704(c)(7) accorded in connection with the response filed December 7, 2006 is not in dispute. Further, the reduction of 26 days under 37 CFR 1.704(c)(7) accorded in connection with the response filed October 16, 2007 is also not in dispute.

Patentees assert that the Office did not use the applicant's "commencement date" of April 16, 2003 for the purpose of calculating the period of adjustment pursuant to 37 CFR 1.702(b). Patentees assert that the patent issued three years and 744 days from the date that the application was filed.

Patentees assert that the application was improperly reduced 65 days in connection with the amendment under 37 CFR 1.312 that was filed February 25, 2008. Patentees assert that the correct reduction in this regard is 18 days.

The patent term adjustment has been re-calculated and error has been found.

The Office did not calculate the period of adjustment under 37 CFR 1.702(b) based on the application's "commencement date" of April 16, 2003. Accordingly, the period of adjustment under 37 CFR 1.702(b) is 744 days, as asserted by patentees. The adjustment commenced April 17, 2006, the day after the date that is three years from the date of commencement, and ended April 29, 2008, the date that the patent issued. See, 37 CFR 1.703(b).

Review of the calculation of adjustment reveals that the Office failed to reduce the adjustment an additional 92 days under 37 CFR 1.704(c)(8) in connection with the supplemental reply filed January 16, 2008. The reduction commenced October 17, 2007, the day after the date that the previous reply was filed, and ended January 16, 2008, the date that the supplemental reply (IDS) was filed.

The adjustment is subject to a reduction of 18 days, rather not 65 days or 19 days, as argued by patentees, in connection with the amendment under 37 CFR 1.312 filed February 25, 2008. The reduction commenced February 25, 2008, the date that the amendment was filed, and ended March 14, 2008, the date that a reply thereto was mailed. See, 37 CFR 1.704(c)(10)(i).

Under 37 CFR 1.703(f), patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR 1.702 reduced by the period of time equal to the period of time during which patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704. In other words, patentees are entitled to the period of Office delay reduced by the period of applicant delay.

At the time of issuance of the patent, the application was pending three years and 744 days. Certain action was not taken within the specified time frame, and thus, an adjustment of 653 days was accorded pursuant to 37 CFR 1.702(a)(1).

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 entire period during which the application was pending

before the Office to the date the patent issued. Prior to the issuance of the patent, 653 days of patent term adjustment were accorded for the Office failing to respond within specified time frames during the pendency of the application. The 653 days accorded pursuant to 37 CFR 1.702(a)(1) overlap with the 744 days of Office delay under 37 CFR 1.702(b) by 91 days. In other words, the issuance of the patent was delayed a total of 744 days, as acknowledged by patentees.

Thus, at the time of issuance, the patent was entitled to an overall adjustment of 580 days (adjustments totalling 744 days, as argued by patentees, less reductions totalling 164 days).

Any request for reconsideration of this decision must be submitted within 30 days. Extensions of time pursuant to 37 CFR 1.136 are not permitted.

The Office acknowledges submission of the required $200.00 application fee. See, 37 CFR 1.18(e).

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the terms of this patent is extended or adjusted under 35 U.S.C. 154(b) by 580 days.

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

Alesia Brown
Petitions Attorney
Office of Petitions

Enclosure: Draft Certificate of Correction

Day : Saturday
Date: 6/20/2009

PALM INTRANET

Time: 09:19:34

PTA Calculations for Application: 10/399284			
Application Filing Date:	10/29/2003	PTO Delay (PTO):	653
Issue Date of Patent:	04/29/2008	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	118
Post-Issue Petitions:	0	Total PTA (days):	580
PTO Delay Adjustment:	45		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
77	06/20/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	91		
76	06/20/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	65		
75	06/20/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		19	
74	06/20/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		92	
65.5	04/09/2008	PTA 36 MONTHS			
65	04/29/2008	PATENT ISSUE DATE USED IN PTA CALCULATION			
64	03/19/2008	EXPORT TO FINAL DATA CAPTURE			
63	03/18/2008	DISPATCH TO FDC			
62	03/15/2008	APPLICATION IS CONSIDERED READY FOR ISSUE			
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37.1	09/20/2007	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
37	09/20/2007	RESPONSE AFTER NON-FINAL ACTION			
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33	03/23/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
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21.1	11/10/2006	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
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18	08/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	04/29/2005	MISCELLANEOUS INCOMING LETTER			
16.7	03/23/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
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7	10/29/2003	371 COMPLETION DATE			
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4	10/29/2003	ADDITIONAL APPLICATION FILING FEES			
3	10/29/2003	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT	:	7,364,919 B2
DATED	:	April 29, 2008
INVENTOR(S)	:	Penades, 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 535 days

Delete the phrase "by 535 days" and insert – by 680 days--

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OFFICE OF PETITIONS

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Patent No. 7,364,919 : LETTER REGARDING
Issued: April 29, 2008 : PATENT TERM ADJUSTMENT and
Application No. 10/399,284 : NOTICE OF INTENT TO ISSUE
Filed: October 29, 2003 : CERTIFICATE OF CORRECTION
Dkt. No.: 58767(46322) :

This letter is in response to the letter submitted July 1, 2009 concerning the Notice of Intent to Issue Certificate of Correction mailed June 22, 2009.

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 580 days.

The above-identified application matured into U.S. Patent No. 7,364,919 on April 29, 2008. The patent issued with a revised Patent Term Adjustment of 535 days. It has been determined that due to clerical error an incorrect PTA was indicated on the draft Certificate of Correction mailed June 22, 2009. The correct patent term adjustment is 580 days, as indicated in the decision on application for patent term adjustment mailed June 22, 2009 correcting the patent term adjustment at the time of the mailing of the notice of allowance from 535 days to 580 days.

No fee is required and no fee has been charged for this correction.

Any request for reconsideration of this decision must be submitted within 30 days. Extensions of time pursuant to 37 CFR 1.136 are not permitted.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the terms of this patent is extended or adjusted under 35 U.S.C. 154(b) by 580 days.

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

Alesia Brown
Petitions Attorney
Office of Petitions

Enclosure: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT	:	7,364,919 B2
DATED	:	April 29, 2008
INVENTOR(S)	:	Penades, 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 535 days

Delete the phrase "by 535 days" and insert – by 580 days--

23 SEP 200

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John Davison
NW Patent Group
19822 226th Ave NE
Woodinville, WA 98072

In re Application of :
O'BRIEN et al. :
Application No.: 10/399,386 :
PCT No.: PCT/US01/32238 : DECISION ON REQUEST
Int. Filing Date: 15 October 2001 :
Priority Date: 16 October 2000 :
Attorney Docket No.: GO021PCT :
For: TECHNIQUES FOR MAINTAINING HIGH AVAILABILITY OF NETWORKED SYSTEMS

This decision is in response to the applicants' "Request to Correct Inventorship in an Application " filed 01 August 2003, which is being treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 15 October 2001, applicants filed international application PCT/US01/32238 which claimed a priority date of 16 October 2000. The international application named Michael O'Brien and Bryan Klisch as applicants/inventors. A Demand for international preliminary examination was filed prior to 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee expired at midnight on 16 April 2003.

On 12 April 2003, applicants filed a transmittal letter for entry into the national stage accompanied by, *inter alia:* the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 15 July 2003, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 01 August 2003, applicants filed a "Request to Correct Inventorship in an Application" and a declaration executed by: Michael O'Brien; Bryan Klisch; John C. Vogel and Gregory I. Thiel.

DISCUSSION

In the instant case, the international application named Michael O'Brien and Bryan Klisch as applicants/inventors. Applicants request to add John C. Vogel and Gregory I. Thiel as applicants/inventors. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires:

(1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a);

(3) the fee set forth in 37 CFR 1.17(i); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicants have satisfied items (1), (2) and (3). Further, in order to satisfy item (4), applicants are required to submit a written consent of assignee to the correction in inventorship in compliance with 37 CFR 3.73(b), or written confirmation that no assignee exists. Here, the international application indicates Goahead Software, Inc. as an applicant and it is unclear if the invention has been assigned to Goahead Software, Inc.

CONCLUSION

For the reasons discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

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). A proper response must include a written consent of assignee in compliance with 37 CFR 3.73(b).

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.

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30 NOV 2004

#8

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John Davison
NW Patent Group
19822 226th Ave NE
Woodinville, WA 98072

In re Application of	:	
O'BRIEN et al.	:	
Application No.: 10/399,286	:	
PCT No.: PCT/US01/32238	:	DECISION ON PETITION
Int. Filing Date: 15 October 2001	:	
Priority Date: 16 October 2000	:	
Attorney Docket No.: GO021PCT	:	
For: TECHNIQUES FOR MAINTAINING HIGH AVAILABILITY OF NETWORKED SYSTEMS	:	

The petition to revive under 37 CFR 1.137(b) filed 19 November 2004 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 a proper response (consent of assignee) to the Decision on Request under 37 CFR 1.497(d) dated 22 September 2003 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. The 35 U.S.C. 371(c) date is **01 August 2003**.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

01 APR 2004

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Charles A. Muserlain
Muserlian, Lucas and Mercanti, LLP
600 Third Avenue
New York, NY 10016

In re Application of :
OLDANI et al. :
U.S. Application No.: 10/399,292 :
PCT No.: PCT/EP01/12537 : DECISION ON PETITION
Int. Filing Date: 30 October 2001 : UNDER 37 CFR 1.47(a)
Priority Date: 31 October 2000 :
Attorney Docket No.: 267.166 :
For: ELECTROLYTIC CELLS WITH RENEWABLE ELECTRODE STRUCTURES AND METHOD FOR SUBSTITUTING THE SAME :

This decision is in response to applicants' "Petition under 37 CFR 1.47(a)" filed 14 July 2003 to accept the application without the signature of joint-inventor, Giovanni Scapini. The required petition fee of $130.00 has been submitted.

BACKGROUND

On 30 October 2001, applicants filed international application PCT/EP01/12537 which claimed a priority date of 31 October 2000. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 10 May 2002. A Demand was filed with the International Preliminary Examining Authority prior to the 19th month from the earliest claimed priority date. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was extended to expire 30 months from the priority date, i.e., 01 May 2003.

On 15 April 2003, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 14 July 2003, applicants filed a Petition under 37 CFR 1.47(a).

On 22 July 2003, the United States Designated/Elected Office (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) which set forth a 35 U.S.C. 371 completion date of 15 April 2003.

DISCUSSION

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) dated 22 July 2003 was mailed in error and is hereby vacated. Specifically, applicants had not satisfied the oath or declarations requirement of 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America.

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor. Items (1), (3) and(4) have been satisfied.

Regarding item (2) above, petitioner states that Giovanni Scapini has refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of 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.

A review of the present petition and the accompanying papers reveal that applicant has not satisfied item (2) above, in that the applicant has not shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Giovanni Scapini. The "Declaration" provided by the petitioner states that "Mr. Scapini refuses to cooperate in the conversion of the international application to national application in any of the elected countries . . . and when presented with the application and declaration for signature by Mr. Tuosto's letter of March 12, 2003 . . . he refused to sign." However, petitioner fails to include evidence to demonstrate that the materials were received by the nonsigning inventor. Under these circumstances, where the Office is being asked to accept the silence of the nonsigning inventor's as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor's, item (2) cannot be considered satisfied.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Giovanni Scapini, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Giovanni Scapini under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: 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.

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08 JUL 2004

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Charles A. Muserlain
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In re Application of	:	
OLDANI et al.	:	
U.S. Application No.: 10/399,292	:	
PCT No.: PCT/EP01/12537	:	DECISION ON PETITION
Int. Filing Date: 30 October 2001	:	UNDER 37 CFR 1.47(a)
Priority Date: 31 October 2000	:	
Attorney Docket No.: 267.166	:	
For: ELECTROLYTIC CELLS WITH RENEWABLE ELECTRODE STRUCTURES AND METHOD FOR SUBSTITUTING THE SAME	:	

This decision is in response to applicants' "Petition under 37 CFR 1.47(a)" filed 10 June 2004 to accept the application without the signature of joint-inventor, Giovanni Scapini.

BACKGROUND

On 30 October 2001, applicants filed international application PCT/EP01/12537 which claimed a priority date of 31 October 2000. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 10 May 2002. A Demand was filed with the International Preliminary Examining Authority prior to the 19th month from the earliest claimed priority date. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was extended to expire 30 months from the priority date, i.e., 01 May 2003.

On 15 April 2003, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 14 July 2003, applicants filed a Petition under 37 CFR 1.47(a). The Petition under 37 CFR 1.47(a) was dismissed without prejudice in a "Decision on Petition under 37 CFR 1.47(a)" dated 01 April 2004

On 22 July 2003, the United States Designated/Elected Office (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) which set forth a 35 U.S.C. 371 completion

date of 15 April 2003. The Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 OR 1.495 was vacated in a "Decision on Petition under 37 CFR 1.47(a)" dated 01 April 2004.

On 10 June 2004, applicants filed "Renewed Petition under 37 CFR 1.47(a)."

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 behalf of the non-signing joint inventor. Items (1), (3) and(4) have been satisfied.

Regarding item (2) above, petitioner states that Giovanni Scapini has refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of 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.

A review of the present petition and the accompanying papers reveal that applicant has not satisfied item (2) above, in that the applicant has not shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Giovanni Scapini. Petitioner has provided declarations by Renato Gazzaniga and Anna Tuosto which state that Mr. Scapini has refused to sign the application papers. However, petitioner fails to include evidence to demonstrate that the materials were received by the nonsigning inventor. Did Ms. Tuosto receive confirmation via delivery certificate that Mr. Scapini received the application papers? Did Mr. Scapini state that he received the application papers to Mr. Gazzaniga. As stated in previous decision, where the Office is being asked to accept the silence of the nonsigning inventor as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Giovanni Scapini, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Giovanni Scapini under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: 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.

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21 OCT 2004

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In re Application of :
OLDANI et al. :
U.S. Application No.: 10/399,292 :
PCT No.: PCT/EP01/12537 : DECISION ON PETITION
Int. Filing Date: 30 October 2001 : UNDER 37 CFR 1.47(a)
Priority Date: 31 October 2000 :
Attorney Docket No.: 267.166 :
For: ELECTROLYTIC CELLS WITH RENEWABLE ELECTRODE STRUCTURES AND METHOD FOR SUBSTITUTING THE SAME :

This decision is in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 16 July 2004 to accept the application without the signature of joint-inventor, Giovanni Scapini.

BACKGROUND

On 30 October 2001, applicants filed international application PCT/EP01/12537 which claimed a priority date of 31 October 2000. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 10 May 2002. A Demand was filed with the International Preliminary Examining Authority prior to the 19th month from the earliest claimed priority date. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was extended to expire 30 months from the priority date, i.e., 01 May 2003.

On 15 April 2003, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 14 July 2003, applicants filed a Petition under 37 CFR 1.47(a). The Petition under 37 CFR 1.47(a) was dismissed without prejudice in a "Decision on Petition under 37 CFR 1.47(a)" dated 01 April 2004

On 22 July 2003, the United States Designated/Elected Office (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) which set forth a 35 U.S.C. 371 completion

date of 15 April 2003. The Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 was vacated in a "Decision on Petition under 37 CFR 1.47(a)" dated 01 April 2004.

On 10 June 2004, applicants filed "Renewed Petition under 37 CFR 1.47(a)" which was dismissed without prejudice in a Decision dated 08 July 2004.

On 16 July 2004, applicants filed the present Renewed Petition under 37 CFR 1.47(a)."

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 behalf of the non-signing joint inventor. Items (1), (3) and(4) have been satisfied.

A review of the present petition and the accompanying papers reveal that applicant has satisfied item (2), in that the applicants have shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Giovanni Scapini. The steps taken by Anna Tuosto and Renato Gazzaniga are sufficient to show that the missing inventor refuses to execute the application. Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application will be given an international filing date of 30 October 2001under 35 U.S.C. 363, and a date of **14 July 2003** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Fax: 571-273-0459

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500 W. MADISON STREET, SUITE 3800
CHICAGO, IL 60661

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MAY 0 4 2005

OFFICE OF PETITIONS

In re Application of :
Yoshiji Tutikawa :
Application No. 10/399,311 : ON PETITION
Filed: September 17, 2003 :
Attorney Docket No. 10036-0001 :

This is a decision on the petition under 37 CFR 1.173(b), filed March 21, 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 November 10, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 11, 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
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

22 JUL 2004

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Susan A. Wolfe
BANNER & WITCOFF
1001 G Street, NW
Eleventh Floor
Washington, D.C. 20001-4597

In re Application of:	
GABIZON, Ruth, et al.	DECISION ON RENEWED
U.S. Application No.: 10/399,321	PETITION UNDER
PCT No.: PCT/IL01/00968	37 CFR 1.47(a)
International Filing Date: 21 October 2001	
Priority Date: 22 October 2000	
Attorney's Docket No.: 005454.00007	
For: A URINE TEST FOR THE DIAGNOSIS OF PRIOR DISEASES	

In a decision mailed by this Office on 15 April 2004, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted adequate evidence that the nonsigning inventor had been presented with a copy of the complete application and refused to sign.

On 14 June 2004, applicants filed the renewed petition considered herein. The renewed petition includes a statement from Stuart Bernstein providing the required firsthand statement regarding the attempts made to provide the nonsigning inventor with a copy of the complete application to communicate with the inventor regarding obtaining his signature. The submission also includes documentary evidence supporting the statement. These materials, in combination with the materials included with the original petition, are sufficient to satisfy the final requirement for a grantable petition.

Applicant has now satisfied all the requirements for a grantable petition under 37 CFR 1.47(a). Accordingly, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application is accepted without the signature of inventor Gideon SHAKED.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the legal representative of the application will be forwarded to the legal representative's last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 11 February 2004.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

22 JUL 2004
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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Gideon M. Shaked, Ph.D.
University of California, San Diego
Dept. Of Neurosciences
Room 2070, CMM-East
9500 Gilman Drive
La Jolla, CA 92093-0691

In re Application of: GABIZON, Ruth, et al.
U.S. Application No.: 10/399,321
PCT No.: PCT/IL01/00968
International Filing Date: 21 October 2001
Priority Date: 22 October 2000
Attorney's Docket No.: 005454.00007
For: A URINE TEST FOR THE DIAGNOSIS OF PRIOR DISEASES

Dear Dr. Shaked:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

Counsel of Record:
Susan A. Wolfe
BANNER & WITCOFF
1001 G. Street, NW
Eleventh Floor
Washington, D.C. 20001-4597

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Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
Mclean, VA 22102

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SEP 2 4 2007

OFFICE OF PETITIONS

In re Application of :

Thomas Gemmer :
Application No. 10/399,322 : DECISION ON PETITION
Filed: April 17, 2003 : TO WITHDRAW
Attorney Docket No. 449122049600 : 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 17, 2007.

The request is **APPROVED**.

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

The request was signed by Deborah S. Gladstein on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed (per request of the Change of Address filed June 2, 2007) and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed April 23, 2007 that requires a reply from the applicant.

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

D. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Bell, Boyd & Lloyd, LLP**
P.O. Box 1135
Chicago, IL 60690

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/399,322	04/17/2003	Thomas Gemmer	449122049600

CONFIRMATION NO. 2774

OC000000025973885

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 09/24/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/17/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Jerri Williams

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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MAY 19 2008

Iver Cooper
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, N.W.
WASHINGTON, D.C. 20001

In re Application of :
LASSEN et al :
Serial No.: 10/399,324 :
Filed : August 25, 2003 :
Attorney Docket No.: LASSEN=3A :

Decision on Petition

This letter is in response to the Petition under 37 C.F.R. 1.144 and 1.181 filed February 5, 2008, requesting reconsideration of the restriction requirement and the holding of constructive election.

BACKGROUND AND DISCUSSION

A review of the file shows that this is the national stage filing of PCT/DK01/00673 under 35 USC 371 and is eligible for PCT unity of invention rules.

On February 8, 2005, the examiner mailed a first restriction requirement in which the original claims 1, 3-47 were divided in 3 groups. The examiner further required an election of species to a type of cell for Group I and a type of inflammatory indicator for Group II.

On March 8, 2005, Applicants elected Group I and microbial cells with traverse.

On May 19, 2005, a second restriction requirement was mailed in which included numerous further species election.

On June 20, 2005, applicants responded by electing Group I, Claims 1, 3-23, 45-46, drawn to a kit for directly detecting an analyte. Applicant further elected the species of at least one first or second targeting species; targeting species; microbial cell; antigens for all of the required species elections. The response traversed on the grounds that the generic or subgeneric claims are allowable and hence unelected species are rejoinable in accordance with PCT Annex B, Part 1(c)(i) and MPEP 809.02.

On September 26, 2005, the examiner mailed to applicants a non-final Office action, searching and examining Group I (Claims 1, 3, 5, 11, 12, 17, 19, 20, 22, 23, 45, and 46) on the merits. The claims were rejected under 112/2nd, 102 and 103.

On January 26, applicants filed a response to the outstanding non-final Office action. The response specifically requested a supplemental action to be issued to consider Claims 15-16 on the merits.

On April 12, 2006, the examiner mailed a Final Office action, finally rejecting Claims 1, 3, 5, 11, 12, 17, 19, 20, 22, 23, 45, and 46 . The examiner found Claims 15-16 were deemed to lack unity of invention because they were not so linked to form a single general inventive concept under PCT Rule 13.1.

On September 12, 2006, applicants filed an after-final amendment and request for reconsideration including further discussion the unity issues for Claims 15-16.

On October 12, 2006, applicants filed a notice of appeal from the primary examiner to the board of patent appeals and interferences.

On October 16, 2006, the examiner mailed an advisory action indicating that the amendments filed would not be entered.

On December 5, 2006, applicants requested continued examination.

On March 6, 2007, the examiner mailed a non-final rejection rejecting Claims 1, 3, 5, 11-12, 17, 19-20, 22, 45-46. No further discussion of Claims 15-16 is provided.

On July 3, 2007, applicants filed amendments to the claims, added new Claims and a response to the rejections.

On September 24, 2007, the examiner considered the response and mailed a final rejection for Claims 1, 3, 5, 11-12, 19-20, 22, 45-46 and 48. The examiner found that newly submitted Claim 49-54 are directed to invention that have a different special technical feature when compared to the previously examined group.

On January 9 and 15, Applicant's counsel Iver Cooper and Examiner Hines and supervisory examiners held a telephone interview to discuss the constructive election but the holding was maintained and made final. There is no interview summary on the part of the office within the file.

On February 5, 2008, applicants filed this petition to request that the Office reconsider the restriction requirement.

On March 24, 2008, applicants filed a notice of Appeal.

DISCUSSION

The petition and extensive file history have been carefully considered.

The petition filed February 5, 2008, clearly illustrates the similarity of the claims. Claims 1 and 48 have been examined. Claims 49-51 have been withdrawn from consideration by original presentation.

Claim 1	Claim 48	Claim 49	Claim 50	Claim 51
Group I	Group I			
A kit for directly detecting an analyte which is a predetermined cell or biological particle present in a sample in an amount of less than about 2000 per microlitre (10.6 litre) sample, said kit comprising	A kit for directly detecting an analyte which is a predetermined cell or biological particle present in a sample in an amount of less than about 2000 per microlitre (10.6 litre) sample, said kit comprising	A kit for directly detecting an analyte which is a predetermined cell or biological particle present in a sample in an amount of less than about 2000 per microlitre (10.6 litre) sample, said kit comprising	A kit for directly detecting an analyte which is a predetermined cell or biological particle present in a sample in an amount of less than about 2000 per microlitre (10.6 litre) sample, said kit comprising	A kit for directly detecting an analyte which is a predetermined cell or biological particle present in a sample in an amount of less than about 2000 per microlitre (10.6 litre) sample, said kit comprising
(I) a solid support, comprising	(I) a solid support, comprising	(I) a solid support, comprising	(I) a solid support, comprising	(I) a solid support, comprising
i) an application zone for applying the sample comprising said analyte, said zone comprising at least one conjugate, said conjugate being movable, and said application zone being in liquid contact with	i) an application zone for applying the sample comprising said analyte, said zone comprising at least one conjugate, said conjugate being movable, and said application zone being in liquid contact with	i) an application zone for applying the sample comprising said analyte, said zone comprising at least one conjugate, said conjugate being movable, and said application zone being in liquid contact with	i) an application zone for applying the sample comprising said analyte, said zone comprising at least one conjugate, said conjugate being movable, and said application zone being in liquid contact with	i) an application zone for applying the sample comprising said analyte, said zone comprising at least one conjugate, said conjugate being movable, and said application zone being in liquid contact with
ii) a detection zone distinct from said application zone, for detecting the presence, amount or concentration of said at least one conjugate, said detection zone comprising a plurality of a first targeting species bound to the solid support, said targeting species being capable of	ii) a detection zone distinct from said application zone, for detecting the presence, amount or concentration of said at least one conjugate, said detection zone comprising a plurality of a first targeting species bound to the solid support, said targeting species being capable of	ii) a detection zone distinct from said application zone, for detecting the presence, amount or concentration of said at least one conjugate, said detection zone comprising a plurality of a first targeting species bound to the solid support, said targeting species being capable of	ii) a detection zone distinct from said application zone, for detecting the presence, amount or concentration of said at least one conjugate, said detection zone comprising a plurality of a first targeting species bound to the solid support, said targeting species being capable of	ii) a detection zone distinct from said application zone, for detecting the presence, amount or concentration of said at least one conjugate, said detection zone comprising a plurality of a first targeting species bound to the solid support, said targeting species being capable of

directly binding said analyte when it is present in a sample that is brought into contact with the solid support, and	directly binding said analyte when it is present in a sample that is brought into contact with the solid support, and	directly binding said analyte when it is present in a sample that is brought into contact with the solid support, and	directly binding said analyte when it is present in a sample that is brought into contact with the solid support, and	directly binding said analyte when it is present in a sample that is brought into contact with the solid support, and
(II) at least one such conjugate, said conjugate comprising	(II) at least one such conjugate, said conjugate comprising	(II) at least one such conjugate, said conjugate comprising	(II) at least one such conjugate, said conjugate comprising	(II) first and second conjugates, each of said conjugates comprising
A) a polymeric carrier molecule,	A) a polymeric carrier molecule,	A) a polymeric carrier molecule,	A) a polymeric carrier molecule,	A) a polymeric carrier molecule,
B) at least one first and/or second targeting species capable of directly binding said analyte when it is present in a sample that is brought into contact with the solid support, and	B) at least one first and/or second targeting species capable of directly binding said analyte when it is present in a sample that is brought into contact with the solid support, and	B) at least one first and/or second targeting species capable of directly binding said analyte when it is present in a sample that is brought into contact with the solid support, and	B) at least one first and/or second targeting species capable of directly binding said analyte when it is present in a sample that is brought into contact with the solid support, and	B) at least one first and/or second targeting species capable of directly binding said analyte when it is present in a sample that is brought into contact with the solid support, and
C) at least one labelling species,	C) at least one labelling species,	C) at least one labelling species,	C) at least one labelling species,	C) at least one labelling species,
Wherein each of the first and/or second targeting species and labelling species is covalently attached by a connecting moiety to the polymeric carrier molecule	wherein each of the first and/or second targeting species and labelling species is covalently attached by a connecting moiety to the polymeric carrier molecule.	wherein each of the first and/or second targeting species and labelling species is covalently attached by a connecting moiety to the polymeric carrier molecule	wherein each of the first and/or second targeting species and labelling species is covalently attached by a connecting moiety to the polymeric carrier molecule	wherein each of the first and/or second targeting species and labelling species is covalently attached by a connecting moiety to the polymeric carrier molecule
wherein such kit does not comprise a soluble calibration reagent which comprises an unlabeled targeting species which blocks the		wherein such kit does not comprise, in the application zone, an antibody which specifically binds said analyte.	wherein said kit does not comprise means for determining whether the amount of the analyte is above a predetermined minimum amount.	wherein said first conjugate comprises at least one targeting species which directly binds said predetermined cell or biological particle, and said

binding of the analyte to said conjugate, thereby controlling the proportion of the analyte that binds to the conjugate such that the analyte in the sample must exceed a minimum concentration before said analyte is detected.				second conjugate comprises at least one targeting species which directly binds said inflammatory indicator
				and wherein the at least one labelling species of the first conjugate is different from the at least one labelling species of the second conjugate.

The same comparison can be made for the other independent claims with drawn from examination. With respect to Claim 15-16, the original election of species did not require selection of either 15 or 16. Claims 15-16 were deemed generic and thus should have been examined with the elected Claims.

DECISION

The petition is **GRANTED** for the reasons set forth above.

Claims 15-16, 48-54 are rejoined with the claims already under examination (1, 3, 5, 11-12, 17, 19-20, 22, 45-46, 48), and said claims will be examined together.

The requirement to elect species is maintained. Should the elected species become allowable, the claims will be examined according to election of species practice set forth in MPEP 803.02.

The application will be forwarded to the examiner for preparation of a new non-final Office action consistent with this decision which addresses Claims 1, 3, 5, 11-12, 15-17, 19-20, 22, 45-46 and 48-54.

Should there be any questions about this decision, please contact Special Program Examiner Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.

John LeGuyader
Director, Technology Center 1600
jb/jg

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OFFICE OF PETITIONS

YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

In re Application of
David Simon Fisher
Application No. 10/399,328
Filed: April 17, 2003
Attorney Docket No. 3007-1022

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed February 23, 2005.

The petition is GRANTED.

The application became abandoned for failure to pay the issue fee on or before January 21, 2005. Receipt is acknowledged of the requisite issue fee on February 23, 2005.

The application is being forwarded to Publishing Division.

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 (703) 305-8283.

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

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FULBRIGHT AND JAWORSKI LLP
555 S. FLOWER STREET, 41ST FLOOR
LOS ANGELES CA 90071

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JUL 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Weeks, Nadrew John	:	
Application No. 10/399,338	:	ON PETITION
Filed: July 28, 2003	:	
Attorney Docket No. 7417-101/10304875	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 9, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Request for Continued Examination (RCE) and 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 3600 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

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Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

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

In re Patent No. 7,117,537 :
Issue Date: October 10, 2006 :
Application No. 10/399,347 : ON PETITION
Filed: April 15, 2003 :
Attorney Docket No. SAIC 20.346 :

This is a decision on the petition under 37 CFR 1.182, filed April 27, 2007, to correct the spelling of the inventor's name by way of a Certificate of Correction.

The petition is **Granted**.

The inventor's name will be changed from "Gabriele Mazzarolo" to "**Giovanni Mazzarolo.**"

Applicant is encouraged to note **37 CFR 1.4(c)**.

The file is being referred to Certificates of Correction Branch for issuance of the requested Certificate of Correction. A corrected Filing Receipt is enclosed.

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3208. Any questions relating to the issuance of the Certificate of Correction should be directed to Certificates of Correction Branch at (571) 272-4200.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

ENCLOSURE: CORRECTED FILING RECEIPT

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/399,347	04/15/2003	3765	1600	SAIC 20.346	11	3

CONFIRMATION NO. 3318

CORRECTED FILING RECEIPT

26304
KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

OC000000026056925

Date Mailed: 09/27/2007

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)

Giovanni Mazzarolo, Coste di Maser (Treviso), ITALY;

Power of Attorney:

Aaron Karas--18923
Serle Mosoff--25900
Emma Shleifer--29734
Shahan Islam--32507
Harris Wolin--39432
Linda Chan--42400
Brian Myers--46947

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/IT01/00445 08/21/2001

Foreign Applications

If Required, Foreign Filing License Granted: 09/27/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/399,347

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SPORTS GARMENT HAVING SLIP RESISTANT SURFACE ZONES

Preliminary Class

002

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).

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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

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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

In re Application of

William Henry Ollis

Application No. 10/399,357

Filed: November 3, 2003

Attorney Docket No. 741004.1009

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed March 6, 2006

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

This application was held abandoned on December 30, 2005, after it was believed that no response was received to the "Notice of Drawing Inconsistency with Specification" mailed November 29, 2005. The notice allowed a period for reply of one month from its mailing date. A Notice of Abandonment was mailed on January 6, 2006, indicating that a reply to the notice of November 29, 2005, was not received.

The instant petition maintains that a response was timely filed on January 3, 2006. A review of the application file revealed that a response to the notice of November 29, 2005, was received on January 3, 2006, with a certificate of mailing dated December 29, 2005. It appears that the application was improperly held abandoned as a response to the "Notice of Drawing Inconsistency with Specification" was filed prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded the Office of Patent Publications, for further processing.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

Applicant: Akutsu
Appl. No.: 10/399,369
Filing Date: April 16, 2003
Title: MEMORY DEFECT REMEDY ANALYZING METHOD AND MEMORY TEST INSTRUMENT
Attorney Docket No.: KP0175
Pub. No.: US 2004/0111224 A1
Pub. Date: June 10, 2004

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on March 21, 2005, for the above-identified application.

The request is DISMISSED.

The instant request is that the application be republished because the patent application publication contains the contents of some other unrelated application.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable."

The request for corrected publication received on March 21, 2005, was not timely filed under 37 CFR 1.221(b).

Due to the nature of the errors in this publication, the office will *sua sponte* publish a corrected patent application publication. The corrected patent application publication will be published in due course, unless the application is allowed and the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Copied from 10399369 on 01/11/2006

#16

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15 DEC 2005

James W. Paul
FULWIDER PATTON LEE & UTECHT, LLP
HOWARD HUGHES CENTER
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045

In re Application of:	
BURNHAM, Keith, J., et al.	DECISION ON PETITION FOR REVIVAL OF ABANDONED APPLICATION UNDER 37 CFR 1.137(b)
U.S. Application No.: 10/399,374	
PCT No.: PCT/GB01/04586	
International Filing Date: 15 October 2001	
Priority Date: 14 October 2000	
Attorney's Docket No.: MARK 67654	
For: METHOD OF AND SYSTEM FOR CONTROLLING THE RATIO OF A VARIABLE LEAD PARAMETER AND AN ADJUSTABLE LAG PARAMETER FOR A LAG-LEAD PROCESS	

The petition for revival under 37 CFR 1.137(b) filed 05 December 2005 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 required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3).

Applicants have now submitted a proper response to the "Notification Of Defective Response" mailed 03 November 2003 (i.e., an executed declaration in compliance with 37 CFR 1.497) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States of America.

This application is being returned to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 05 December 2005.

Richard M. Ross
PCT Petitions Attorney
Office Of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/26/06

TO SPE OF : ART UNIT 2863

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/399376 Patent No.: 6950776

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

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

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

Certificates of Correction Branch

703-308-9390 ext. 123

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: OK See June 6, 2005 Drawing Correction + April 16th & Substitute specification (both entered)

SPE

2863
Art Unit

23 NOV 2004
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Robert B. Stevenson
E.I. du Pont de Nemours and Company
Legal Patent Records Center
4417 Lancaster Pike
Wilmington, DE 19805

In re Application of
FUJIMOTO, et al.
Application No.: 10/399,377
PCT No.: PCT/JP01/09138
Int. Filing Date: 18 October 2001
Priority Date: 18 October 2000
Attorney Docket No.: AD-6947 US PCT
For: GEL-TYPE POLYMER ELECTROLYTE AND USES THEREOF

DECISION ON PETITIONS

UNDER 37 CFR 1.137(b)

AND 37 CFR 1.47(a)

This decision is in response to applicant's "Response to Notification of Missing Requirements Under 35 U.S.C. 371 in The United States Designated/Elected Office (DO/EO/US)" filed 09 August 2004 in the United States Patent and Trademark Office (USPTO). The response includes a petition under 37 CFR 1.137(b) for revival of the present application and a petition under 37 CFR 1.47(a) to accept the application without the signature of inventor Yuki Fujimoto.

BACKGROUND

On 22 July 2003, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) advising applicant of the need to provide 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. Applicant was afforded two months to file the proper reply and advised that this time could be extended with a petition and payment of the appropriate extension of time fee.

On 03 March 2004, applicant was mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909) informing applicant that the present application was dismissed as to the National stage in the United States for failure to respond to the Form PCT/DO/EO/905 mailed 22 July 2003

On 09 August 2004, applicant filed the present response including the petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a) considered herein.

DISCUSSION

I. Petition Under 37 CFR 1.47(a)

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). Items 1, 3 and 4 above have been satisfied.

Regarding item 2 above, MPEP 409.03(d) provides, in part:

> Where inability to find or reach a non-signing 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 non-signing 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 non-signing 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.
>
> * * * * *
>
> Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature.

Presently, applicant has provided a signed form statement from one of the joint inventors that the "non-signing inventor cannot be found after diligent effort." In addition, applicant has provided evidence that papers were mailed to the inventor at an address and returned. However, it is unclear whether the papers contained a complete set of the application papers as no firsthand evidence has been submitted showing what was actually mailed to the inventor in question. In addition, the petition is silent as to what searches were performed in an attempt to obtain a valid address for the inventor. Counsel was informed of the undeliverable mailing in April, 2004, four months before the filing of the present petition, yet it does not appear that any additional inquires were made to find a new address for Ms. Fujimoto. 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

must submit additional information as to "diligent effort" such as whether a search of telephone directories or Internet search engines were performed in an attempt to find a current address for inventor Fujimoto.

For the reasons stated above it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

II. Petition Under 37 CFR 1.137(b)

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required). Applicant has satisfied items 2 and 4.

With regard to item 2, as authorized, the $1330.00 petition fee will be deducted from Deposit Account No.: 04-1928.

As to item 4, the terminal disclaimer is not required since this application was filed after 08 June 1995.

With regard to item 1, the proper response was the submission of an executed oath or declaration of the inventors which complies with 37 CFR 1.497 (a) and (b) or a grantable petition under 37 CFR 1.47(a). As discussed above, applicant has not submitted a compliant declaration or grantable petition under 37 CFR 1.47(a).

As to item 3, applicant's statement, "It is respectfully submitted that above chronology of events and 23 sheets of documentation attached hereto establish the continuous intent to pursue the present patent application and the inability to contact coinventor Yuki Fujimoto" is insufficient for the purpose of satisfying this item. The statement does not explicitly convey that the total period of abandonment from the due date for the required reply until the filing the reply was unintentional.

For the reasons stated above, the petition for revival cannot be granted at this time and the application remains abandoned.

CONCLUSION

For the reasons stated above, the petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a) are **DISMISSED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed

within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b) and Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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: (571) 272-3294
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01 FEB 2005

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Robert B. Stevenson
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Wilmington, DE 19805

In re Application of	:	
FUJIMOTO, et al.	:	DECISION ON RENEWED
Application No.: 10/399,377	:	
Filing Date: 16 April 2003	:	PETITIONS UNDER
Attorney Docket No.: AD-6947 US PCT	:	
For: GEL-TYPE POLYMER ELECTROLYTE AND USES THEREOF	:	37 CFR 1.47(a) & 1.137(b)

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.137 (b) and Renewed Petition Under 37 CFR 1.47(a)" filed 31 January 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 23 November 2004, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.137(b) and 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 31 January 2005, applicant filed the present response including the renewed petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a) considered herein. With the filing of the accompanying petition for a one-month extension of time and authorization to charge the extension of time fee, the renewed petitions are considered timely filed.

DISCUSSION

I. Petition Under 37 CFR 1.47(a)

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 previously satisfied items 1, 3 and 4.

Regarding item 2, applicant has presently provided sufficient evidence, including firsthand accounts, to establish that applicant has made a diligent effort to locate the missing, non-signing inventor, Yuki Fujimoto.

Accordingly, applicant has now satisfied all four items detailed above and it is proper to grant applicant's renewed petition at this time.

II. Petition Under 37 CFR 1.137(b)

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required). Applicant previously satisfied items 2 and 4.

As detailed above, applicant's renewed petition under 37 CFR 1.47(a) has been granted thus satisfying item 1.

Regarding item 3, applicant's statement that "the entire delay in filing a grantable petition under 37 CFR 1.47(a) [required reply] from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b)(3) was unintentional" satisfies this item.

Applicant has satisfied all four items above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, the renewed petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a) are **GRANTED**.

The application has an international filing date of 18 October 2001 under 35 U.S.C. 363, and will be given a date of **09 August 2004** 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.

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22 JUN 2004

#10

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Felix J. D'Ambrosio
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Arlington, VA 22202

In re Application of BANHOLZER et al	:	
U.S. Application No.: 10/399,398	:	
PCT Application No.: PCT/EP01/10684	:	DECISION
Int. Filing Date: 15 September 2001	:	
Priority Date Claimed: 19 October 2000	:	
Attorney Docket No.: 303-069	:	
For: PRESSURE MEASURING CELL	:	

This is in response to applicant's "Response" filed 02 April 2004, which is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 15 September 2001, applicant filed international application PCT/EP01/10684, which claimed priority of an earlier Germany application filed 19 October 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 25 April 2002. The thirty-month period for paying the basic national fee in the United States expired on 21 April 2003 (19 April 2003 was a Saturday).

On 21 April 2003, applicant filed 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).

On 05 August 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 12 August 2003, applicant filed an executed declaration.

On 22 August 2003, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 12 August 2003 is improper because it omits Angelika Andres, who is listed as an inventor in the international application.

On 25 September 2003, applicant filed a response which stated that Angelika Andres is not an inventor.

On 03 December 2003, this Office mailed a communication which indicated that a petition under 37 CFR 1.497(d) should be filed in order to effect a change in inventorship.

On 02 April 2004, applicant filed the present response.

DISCUSSION

37 CFR 1.497(d) (effective 07 November 2000) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR 3.73(b) of this chapter).

With regard to item (1) above, the requisite statement has not been provided.

With regard to item (2) above, the requisite processing fee has not been provided.

With regard to item (3) above, although written consent from the purported assignee has been furnished, petitioner has not established the right of the assignee to take action in compliance with 37 CFR 3.73(b). In particular, the petition does not satisfy either 37 CFR 3.73(b)(1) or (b)(2).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mailing 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 1.497(d)" and the requisite processing fee.

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.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
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09 SEP 2005

#12

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In re Application of BANHOLZER et al	:	
U.S. Application No.: 10/399,398	:	
PCT Application No.: PCT/EP01/10684	:	DECISION
Int. Filing Date: 15 September 2001	:	
Priority Date Claimed: 19 October 2000	:	
Attorney Docket No.: 303-069	:	
For: PRESSURE MEASURING CELL	:	

This is in response to applicant's "Petition Under 37 CFR 1.183" and "Response" filed 23 December 2004.

BACKGROUND

On 15 September 2001, applicant filed international application PCT/EP01/10684, which claimed priority of an earlier Germany application filed 19 October 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 25 April 2002. The thirty-month period for paying the basic national fee in the United States expired on 21 April 2003 (19 April 2003 was a Saturday).

On 21 April 2003, applicant filed 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).

On 05 August 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 12 August 2003, applicant filed an executed declaration.

On 22 August 2003, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 12 August 2003 is improper because it omits Angelika Andres, who is listed as an inventor in the international application.

On 25 September 2003, applicant filed a response which stated that Angelika Andres is not an inventor.

On 03 December 2003, this Office mailed a communication which indicated that a petition under 37 CFR 1.497(d) should be filed in order to effect a change in inventorship.

On 02 April 2004, applicant filed a response, which included written consent of the assignee to a correction of inventorship. The response was treated as a petition to correct inventorship under 37 CFR 1.497(d).

On 22 June 2004, this Office mailed a decision dismissing the 02 April 2004 petition.

On 23 December 2004, applicant filed the present petition under 37 CFR 1.183. The requisite $130.00 petition fee will be charged to Deposit Account No. 02-0200 as authorized in the petition.

DISCUSSION

The petition states that 37 CFR 1.497(d) should not apply because Angelika Andres was erroneously listed as an inventor in the published international application. However, the present application file does not contain any official notification from the International Bureau (e.g. a corrected published international application) that Mrs. Andres is not an inventor.

37 CFR 1.497(d) (effective 07 November 2000) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR 3.73(b) of this chapter).

Whether or not Mrs. Andres was erroneously listed as an inventor in the international application, because the declaration filed 12 August 2003 named an inventive entity different from the inventive entity set forth in the international application, the requirements of 37 CFR 1.497(d) must be met, absent any appropriate notification from the International Bureau. The present petition fails to demonstrate any extraordinary situation which would justify the suspension of 37 CFR 1.497(d).

Because the declaration filed 12 August 2003 was not accompanied by all of the items set forth above, the declaration is not in compliance with 37 CFR 1.497(d), and the Notification of Defective Response was properly mailed.

Although the response filed 25 September 2003 appeared to be a bona fide attempt to respond to the Notification of Defective Response, the response did not include all of the items set forth in 37 CFR 1.497(d). The decision mailed 22 June 2004 set a two month, extendable time period for response. Because applicant's present response was not filed until 23 December 2004, a fee of $2,160.00 for a five month extension of time is due and will be charged to Deposit Account No. 02-0200 as authorized in the response.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.183 is DISMISSED without prejudice.

A proper response must be filed within TWO (2) MONTHS from the mailing date of this decision. Extensions of time are available under 37 CFR 1.136(a). A proper response would include either: (1) a statement from Mrs. Andres that any error in inventorship in the international application occurred without deceptive intention on his or her part and the processing fee set forth in 37 CFR 1.17(i) or (2) official notification from the International Bureau which indicates that Mrs. Andres is not an inventor. Failure to timely file a complete and proper response will result in ABANDONMENT of the present application.

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.

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#14

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30 DEC 2005

Felix J. D'Ambrosio
Jones, Tullar & Cooper, P.C.
P.O. Box 2266 Eads Station
Arlington, VA 22202

In re Application of BANHOLZER et al	:	
U.S. Application No.: 10/399,398	:	
PCT Application No.: PCT/EP01/10684	:	DECISION
Int. Filing Date: 15 September 2001	:	
Priority Date Claimed: 19 October 2000	:	
Attorney Docket No.: 303-069	:	
For: PRESSURE MEASURING CELL	:	

This is in response to applicant's "Supplemental Response" filed 30 November 2005, which is being treated as a renewed petition under 37 CFR 1.497(d).

BACKGROUND

On 15 September 2001, applicant filed international application PCT/EP01/10684, which claimed priority of an earlier Germany application filed 19 October 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 25 April 2002. The thirty-month period for paying the basic national fee in the United States expired on 21 April 2003 (19 April 2003 was a Saturday).

On 21 April 2003, applicant filed 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).

On 05 August 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 12 August 2003, applicant filed an executed declaration.

On 22 August 2003, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 12 August 2003 is improper because it omits Angelika Andres, who is listed as an inventor in the international application.

On 25 September 2003, applicant filed a response which stated that Angelika Andres is not an inventor.

On 03 December 2003, this Office mailed a communication which indicated that a petition under 37 CFR 1.497(d) should be filed in order to effect a change in inventorship.

On 02 April 2004, applicant filed a response, which included written consent of the assignee to a correction of inventorship. The response was treated as a petition to correct inventorship under 37 CFR 1.497(d).

On 22 June 2004, this Office mailed a decision dismissing the 02 April 2004 petition.

On 23 December 2004, applicant filed a petition under 37 CFR 1.183.

On 09 September 2005, this Office mailed a decision dismissing the 23 December 2004 petition.

On 30 November 2005, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Angelika Andres was erroneously listed as an inventor in the published international application.

37 CFR 1.497(d) (effective 07 November 2000) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR 3.73(b) of this chapter).

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee will be charged to Deposit Account 02-0200 as authorized by applicant.

With regard to item (3) above, although petitioner has submitted a document entitled "Assent of Assignee to Correction of Inventorship", the document is not in compliance with 37 CFR 3.73(b)(2). More particularly, the document neither states that the person signing the submission is authorized to act on behalf of the assignee nor is the document signed by a person with apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mailing 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 1.497(d)".

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.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

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24 MAR 2006

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In re Application of BANHOLZER et al	:	
U.S. Application No.: 10/399,398	:	
PCT Application No.: PCT/EP01/10684	:	DECISION
Int. Filing Date: 15 September 2001	:	
Priority Date Claimed: 19 October 2000	:	
Attorney Docket No.: 303-069	:	
For: PRESSURE MEASURING CELL	:	

This is in response to applicant's "Renewed Petition Under 37 CFR 1.497(d)" filed 28 February 2006.

BACKGROUND

On 15 September 2001, applicant filed international application PCT/EP01/10684, which claimed priority of an earlier Germany application filed 19 October 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 25 April 2002. The thirty-month period for paying the basic national fee in the United States expired on 21 April 2003 (19 April 2003 was a Saturday).

On 21 April 2003, applicant filed 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).

On 05 August 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 12 August 2003, applicant filed an executed declaration.

On 22 August 2003, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 12 August 2003 is improper because it omits Angelika Andres, who is listed as an inventor in the international application.

On 25 September 2003, applicant filed a response which stated that Angelika Andres is not an inventor.

On 03 December 2003, this Office mailed a communication which indicated that a petition under 37 CFR 1.497(d) should be filed in order to effect a change in inventorship.

On 02 April 2004, applicant filed a response, which included written consent of the assignee to a correction of inventorship. The response was treated as a petition to correct inventorship under 37 CFR 1.497(d).

On 22 June 2004, this Office mailed a decision dismissing the 02 April 2004 petition.

On 23 December 2004, applicant filed a petition under 37 CFR 1.183.

On 09 September 2005, this Office mailed a decision dismissing the 23 December 2004 petition.

On 30 November 2005, applicant filed a renewed petition under 37 CFR 1.497(d).

On 30 December 2005, this Office mailed a decision dismissing the 30 November 2005 renewed petition.

On 28 February 2006, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Angelika Andres was erroneously listed as an inventor in the published international application.

37 CFR 1.497(d) (effective 07 November 2000) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR 3.73(b) of this chapter).

Applicant has previously satisfied items (1) and (2) above.

With regard to item (3) above, although petitioner has submitted a document entitled "Assent of Assignee to Correction of Inventorship", the document is not in compliance with 37 CFR 3.73(b)(2). More particularly, the document neither states that the person signing the submission is authorized to act on behalf of the assignee nor is the document signed by a person with apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.

MPEP 324, section V, states in relevant part,

> The submission establishing ownership must be signed by a party authorized to act on behalf of the assignee. The submission under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following manner if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.):
>
> * * *
>
> (B) The submission may be signed by any person, if the submission sets forth that the person signing is authorized (or empowered) to act on behalf of the assignee, i.e., to sign the submission on behalf of the assignee. 37 CFR 3.73(b)(2)(i).
>
> (C) The submission may be signed by a person empowered by an organizational resolution (e.g., corporate resolution, partnership resolution) to sign the submission on behalf of the assignee, if a copy of the resolution is, or was previously, submitted in the record.
>
> Where a submission does not comply with (A), (B), or (C) above, evidence of the person's authority to sign will be required.

In the present case, the signed submission (i.e. the "Assent of Assignee to Correction of Inventorship") does not state that Helmut Wache is authorized to act on behalf of the assignee as required by (B) above. Furthermore, no documentary evidence of Helmut Wache's purported authorization to sign has been presented. The statement in the petition by Felix D'Ambrosio is impermissible hearsay. Additionally, there is no evidence that the Chief Patent Counsel of the assignee has the authority to determine who may sign on behalf of the assignee.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mailing 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 1.497(d)".

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.

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In re Application of BANHOLZER et al	:	
U.S. Application No.: 10/399,398	:	
PCT Application No.: PCT/EP01/10684	:	DECISION
Int. Filing Date: 15 September 2001	:	
Priority Date Claimed: 19 October 2000	:	
Attorney Docket No.: 303-069	:	
For: PRESSURE MEASURING CELL	:	

This is in response to applicant's "Renewed Petition Under 37 CFR 1.497(d)" filed 28 February 2006.

BACKGROUND

On 15 September 2001, applicant filed international application PCT/EP01/10684, which claimed priority of an earlier Germany application filed 19 October 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 25 April 2002. The thirty-month period for paying the basic national fee in the United States expired on 21 April 2003 (19 April 2003 was a Saturday).

On 21 April 2003, applicant filed 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).

On 05 August 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 12 August 2003, applicant filed an executed declaration.

On 22 August 2003, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 12 August 2003 is improper because it omits Angelika Andres, who is listed as an inventor in the international application.

On 25 September 2003, applicant filed a response which stated that Angelika Andres is not an inventor.

On 03 December 2003, this Office mailed a communication which indicated that a petition under 37 CFR 1.497(d) should be filed in order to effect a change in inventorship.

On 02 April 2004, applicant filed a response, which included written consent of the assignee to a correction of inventorship. The response was treated as a petition to correct inventorship under 37 CFR 1.497(d).

On 22 June 2004, this Office mailed a decision dismissing the 02 April 2004 petition.

On 23 December 2004, applicant filed a petition under 37 CFR 1.183.

On 09 September 2005, this Office mailed a decision dismissing the 23 December 2004 petition.

On 30 November 2005, applicant filed a renewed petition under 37 CFR 1.497(d).

On 30 December 2005, this Office mailed a decision dismissing the 30 November 2005 renewed petition.

On 28 February 2006, applicant filed a renewed petition under 37 CFR 1.497(d).

On 24 March 2006, this Office mailed a decision dismissing the 24 March 2006 petition.

On 26 June 2006, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Angelika Andres was erroneously listed as an inventor in the published international application.

37 CFR 1.497(d) (effective 07 November 2000) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR 3.73(b) of this chapter).

Applicant has previously satisfied items (1) and (2) above.

With regard to item (3) above, in view of the documentary evidence submitted with the present renewed petition, the "Assent of Assignee to Correction of Inventorship" signed by Helmut Wache is deemed to be in compliance with 37 CFR 3.73(b)(2). Accordingly, assent of the assignee has been provided.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 15 September 2001, and a date under 35 U.S.C. 371(c) of 12 August 2003.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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15 SEP 2003

Clifford W. Browning, Esq.
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In re Application of	
Koulik et al.	
US Application No.: 10/399,414	
PCT Application No.: PCT/IB01/02121	
International Filing Date: 12 November 2001	DECISION ON PETITION
Priority Date: 12 November 2000	UNDER 37 CFR 1.181
Attorney's Docket No.: 16792-5	
For: ATMOSPHERIC PLASMA METHOD FOR TREATING SHEET ELECTRICITY CONDUCTING MATERIALS AND DEVICE THEREFOR	

This decision is in response to the "Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office" filed on 14 August 2003, which is being properly treated as a petition under 37 CFR 1.181 for a 35 U.S.C. 371 date, and is **GRANTED** as follows.

BACKGROUND

On 12 November 2001 (Monday), Applicants filed international application PCT/IB01/02121, which claimed priority of an earlier application filed on 10 November 2000. A copy of the international application, in French, was communicated from the International Bureau to the USPTO on 16 May 2002. The period for paying the basic national fee is 30 months and ended at midnight on 10 May 2003.

On 17 April 2003, Applicants filed a transmittal letter for entry into the national stage in the United States (Form PTO-1390) along with, *inter alia*, the $900 basic national fee required by 35 U.S.C. 371(c)(1) and 37 CFR 1.492(a)(5), and an English translation of the international application, but not an oath or declaration.

On 15 July 2003, a "Notification of Missing Requirements under 37 CFR 371 in the United States Designated/Elected Office (DO/EO/US)" (Form PCT/DO/EO/905) was mailed, stating that an oath or declaration in compliance with 37 CFR 1497(a) and (b) was missing, and

requesting submission of such an oath or declaration within the later of 2 months of the mailing date of the notification, or, 32 months of the priority date. The instant petition then followed, asserting that a declaration was timely filed.

The petition is accompanied by, *inter alia*:

(1) A copy of correspondence captioned "Transmittal of Declaration of Inventors" containing a certificate of mailing by Express Mail, with a mailing label number "EV331485449US" and a "08 May 2003" date of deposit;

(2) A copy of a postcard receipt date-stamped "08 May 2003" by the USPTO, and bearing the same mailing label number;

(3) A copy of a declaration in compliance with 37 CFR 1.497(a) and (b).

The certificate of mailing indicates that Applicants intended to deposit the papers in the United States Postal Service (USPS) "Express Mail Post Office to Addressee" service ("Express Mail") on 08 May 2003.

The postcard receipt indicates that the declaration was received in the USPTO.

The above mailing label number is shown on the front page of the transmittal. Moreover, the Office has verified from the official USPS website www.usps.gov ("Track & Confirm") that the papers mailed under this label number had been accepted by the USPS on 08 May 2003.

Accordingly, the declaration is considered filed in the USPTO on 08 May 2003. 37 CFR 1.8; MPEP 503 (Rev. 1, Feb. 2003).

Since 08 May 2003 predates commencement of the national stage for this application, no surcharge was required for filing the declaration. The $130 paid on 08 May 2003 has been credited to Deposit Account No. 23-3030 as authorized in the 17 April 2003 Form PTO-1390.

Finally, the country of citizenship for the third named inventor Naïl MUSIN, i.e., "Kirghizistan," is not recognized. It appears to be a foreign language equivalent of "Kyrgyzstan." A proper identification of this inventor's country of citizenship in English is required.

CONCLUSION

In view of the above, the petition is **GRANTED.** The application has a 35 U.S.C. 371 date of 08 May 2003, the date on which the declaration was filed.

The 15 July 2003 Form PCT/DO/EO/905 is hereby VACATED.

However, a supplemental declaration properly indicating inventor Naïl MUSIN's country of citizenship in English, and re-executed by this inventor, is required within **TWO MONTHS** of the mailing date of this decision. This period is extendable 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
PO Box 1450
Alexandria, VA 22313-1450

Boris Milef
PCT Legal Examiner
PCT Legal Office

RC Tang
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OIPE JC176 OCT 17 2003 PATENT & TRADEMARK OFFICE

DT13 Rec'd PCT/PTO 17 OCT 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	)	Before the Examiner
Pavel Koulik et al.	)	Group Art Unit 1742
Serial No. 10/399,414	)	
Filed May 8, 2003	)	
ATMOSPHERIC PLASMA METHOD FOR TREATING SHEET ELECTRICITY CONDUCTING MATERIALS AND DEVICE THEREFOR	)	October 14, 2003

RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.181

MAIL STOP PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the requirement for a supplemental declaration properly indicating inventor Nail Musin's country of citizenship in English as set forth in the Decision on Petition Under 37 CFR 1.181, mailed September 15, 2003, Applicants tender herewith a newly executed Declaration of inventor Nail Musin.

I hereby certify this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450 on **October 14, 2003**.

Clifford W. Browning
Name of Registered Representative

Signature

October 14, 2003
Date

No fees are believed to be necessary, but if any are deemed to be due, please charge required fees to Deposit Account 23-3030.

Respectfully submitted

By: _____

Clifford W. Browning
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Indianapolis, Indiana 46204-5137
(317) 634-3456

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In re Application of

Khaled Abou-Saleh et al.
Application No. 10/399,428
Filed: April 17, 2003
Attorney Docket No. SERBBO025

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2007.

The request is **NOT APPROVED.**

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

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

A courtesy copy of this decision is being mailed to applicant at the address noted in the Declaration for Patent Application. It is noted that no correspondence address was provided in the request to withdraw as attorney.

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

Applicant is advised that an Advisory Action was mailed February 6, 2007 which stated that the reply to the final rejection of October 10, 2006 did not prima facie place the application in condition for allowance. Failure to timely file a proper reply within the extendable period set in the October 10, 2006 final office action will result in the abandonment of this application.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Khaled Abou-Saleh
13, place de Seine
92400 Courbevoie
FRANCE

06 DEC 2004

#15

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Neil A. Duchez
Thomas Adams
Renner, Otto, Boisselle & Sklar
1621 Euclid Avenue
19th Floor
Cleveland, Ohio 44115

In re Application of
MISHIMA, Kenji :
Application No.: 10/399,432 :
PCT No.: PCT/JP01/09490 :
Int. Filing Date: 29 October 2001 : DECISION ON PETITION
Priority Date: 27 October 2000 :
Atty. Docket No.: NANJP0104US :
For: METHOD OF GENE AMPLIFICATION :

This is a decision on applicants' "Petition for Revival of an Application for Patent Abandoned Unavoidably under 37 CFR 1.137(a)" and "Second Reply to Notification of Defective Response mailed 13 April 2004" filed 27 August 2004.

BACKGROUND

On 29 October 2001, applicants filed international application no. PCT/JP01/09490 which claimed a priority date of 27 October 2000. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 02 May 2002. A Demand for international preliminary examination was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 27 April 2003.

On 17 April 2003, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application; a preliminary amendment; and an executed declaration of inventors.

On 11 August 2003, the United States Designated/Elected Office (DO/EO/US) mailed a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) indicating that the sequence listing was not in compliance with 37 CFR 1.821-1.825 in that a copy of the "sequence listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

On 21 August 2003, applicants filed "Reply to Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures mailed 11 August 2003" which included a hard copy and computer readable form of the sequence listing.

On 13 April 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the "nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reasons: A copy of the 'Sequence Listing' in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked up copy of the 'Raw Sequence Listing.'"

On 26 April 2004, applicants filed "Reply to Notification of Defective Response Mailed 13 April 2004" which included a Statement under 37 CFR 1.821(e) with a paper copy and computer readable form of the sequence listing.

On 06 July 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) mailed 11 August 2003 within the time period set therein.

On 27 August 2004, applicants filed Petition for Revival of an Application for Patent Abandoned Unavoidably under 37 CFR 1.137(a) and Second Reply to Notification of Defective Response mailed 13 April 2004.

DISCUSSION

A grantable petition pursuant to 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the requisite petition fee; (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 1.20(d)) required pursuant to 37 CFR 1.137(c).

With regard to Item (1), the proper response is the required sequence listing pursuant to 37 CFR 1.821-1.825. Accordingly, the proper reply has been furnished.

As to Item (2), the appropriate petition fee of $110.00 is required pursuant to 37 CFR 1.17(m).

With regards to item (3), applicants have provided an acceptable showing that the delay was unavoidable. As stated in the present petition, "applicant and applicant's undersigned attorney have diligently attempted in good faith to correct the errors in the

Sequence Listing . . . " Thus, it is clear from the facts that the abandonment of the instant application was unavoidable.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(a) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

Therefore, the renewed petition under 37 CFR 1.137(a) is **GRANTED**.

The application has an international filing date of 29 October 2001 under 35 U.S.C. 363 and a 35 U.S.C. 371(c) date of **17 April 2003.**

This application is being returned to the United States/Elected Office for processing in accordance with this decision.

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Attorney-Advisor
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Facsimile: (571) 273-0459

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JUN 22 2009

OFFICE OF PETITIONS

In re Patent No. 7,470,540 :
Stahler et al. :
Issue Date: December 30, 2008 :
Application No. 10/399,450 : DECISION ON REQUEST FOR
Filed: August 1, 2003 : RECONSIDERATION OF
Attorney Dkt. No. 2923-535 : PATENT TERM ADJUSTMENT
Title: Method and Device For :
The Integrated Synthesis And :
Analysis of Analytes On A :
Support :

This is in response to the "PETITION TO CORRECT PATENT TERM ADJUSTMENT" filed February 26, 2009. This petition will be treated under 37 CFR 1.705(d).

The request for reconsideration of patent term adjustment is **DISMISSED**.

On December 30, 2008, the above-identified application matured into US Patent No. 7,470,540 with a patent term adjustment of 733 days. This request for reconsideration of patent term adjustment (including the required fee) was timely filed within two months of the issue date of the patent. See 1.705(d).

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert 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." Patentees maintain that a portion of the period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b), 470 of the 714 days, does not overlap with the 913 day period of adjustment due to examination delay, pursuant to 37 CFR §1.702(a), as these periods do not occur on the same day.

Thus, patentees request that the determination of patent term adjustment be increased by 470 days to a total of one thousand two hundred three (1,203) days.

Patentees assert the 470 day period is calculated based on the application having been filed under 35 U.S.C. §371 on August 1, 2003, and a request for continued examination (RCE) having been filed on July 15, 2008. The filing of a RCE cuts-off the applicants' ability to accumulate any additional patent term adjustment against the three-year pendency provision, but does not otherwise affect patent term adjustment. 37 CFR § 1.703(b)(1). Accordingly, patentees contend the period of adjustment under § 1.702(b) is 714 days, counting the number of days beginning on August 1, 2006 and ending on July 15, 2008.

Patentees agree that the Office delayed 913 days pursuant to 37 CFR 1.702(c)(1).

Accordingly, patentees submit that the total period of Office Delay is 1203 days, which is the sum of the period of Three Year Delay (714 days) and the period of Examination Delay (913 days), reduced by the period of overlap (244 days).

As such, patentees assert entitlement to a patent term adjustment of 1203 days (714 +913 reduced by 244 overlap -180 for applicant delay).

The Office finds the following: under 37 CFR § 1.703(f), patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR §1.702 reduced by the period of time equal to the period of time during which applicants failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR §1.704. In other words, the period of Office delay reduced by the period of applicant delay. The period of reduction of 180 days for applicants failure to engage is not in dispute.

The Office agrees that the action detailed above was not taken within the specified time frame, and thus, the entry of period of adjustment of 913 days is correct. It should be noted that the calculation of any over three year delay for an application filed pursuant to 35 USC 371 is calculated based upon the commencement date. In this instance the commencement date of the application is April 17, 2003. Thus, the application was

pending three years and 820 days until the filing of the RCE on July 15, 2008.

At issue is whether patentees should accrue 820 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 913 days for Office failure to take certain actions within specified time frames (or examination delay).

The Office contends that 820 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 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.

Likewise, 37 CFR 1.703(f) provides that:

> 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.

As explained in *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)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office 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). See also *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)*, 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of applicants. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). 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. The grounds specified in these sections cover the A) guarantee of prompt Patent and

Trademark Office responses, B) guarantee of no more than 3 year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[1]

As such, the period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing or commencement date of the application.

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 entire period during which the application commenced, April 17, 2006, to the filing of the RCE on July 15, 2008. Prior to the issuance of the patent, 913 days of patent term adjustment were accorded for the Office failing to respond within specified time frames during the pendency of the application. The 913 days accorded pursuant to 37 CFR 1.702(a) overlap with the 820 days of Office delay under 37 CFR 1.702(b).

In view thereof, the Office affirms that the correct revised determination of patent term adjustment at the time of the issuance of the patent is 733 days (913 - 180).

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[1] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) on December 4, 2008. No additional fees are required.

Telephone inquiries specific to this matter should be directed to Charlema Grant, Petitions Attorney, at (571) 272-3215.

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration

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2000 MARKET STREET
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PHILADELPHIA PA 19103

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OFFICE OF PETITIONS

In re Patent No. 7,012,738 :
Issue Date: March 14, 2006 :
Application No. 10/399,452 : NOTICE UNDER 37 CFR. 1.28(c)
Filed: April 14, 2003 :
Attorney Docket No. 2003-062 :

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 **NOT ACCEPTED**.

The fee deficiency cannot be accepted because the written assertion was not signed by a party of record, as required by 37 CFR 1.27(C)(2)(i) which states:

37 CFR 1.27(C)(2)(i)
(2) *Parties who can sign and file the written assertion.* The written assertion can be signed by:
(i) One of the parties identified in §1.33(b) (*e.g.*, an attorney or agent registered with the Office),
§ 3.73(b) of this chapter notwithstanding, who can also file the written assertion.

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 Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitioner Examiner
Office of Petitions

cc: **GIL LENNON**
DENNEMEYER & CO LTD
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STOCKPORT, CHESHIRE
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OFFICE OF PETITIONS

In re Patent No. 6,927,889 :
Issue Date: August 9, 2005 :
Application No. 10/399,454 : NOTICE
Filed: April 15, 2003 :
Attorney Docket No. 61-03

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

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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225 FRANKLIN ST
BOSTON MA 02110

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OCT 20 2004

OFFICE OF PETITIONS

Applicant: Hollander et al.
Appl. No.: 10/399,464
Filing Date: April 18, 2003
Title: LEAD-FREE CHEMICAL NICKEL ALLOY
Attorney Docket No.: 15664-002US1
Pub. No.: US 2004/0007472 A1
Pub. Date: January 15, 2004

This is in response to the request for correction of patent application publication under 37 CFR 1.221(b), which was filed on March 18, 2004.

The request is DISMISSED.

The instant request is that the application be republished because the patent application publication includes the wrong abstract on the front page of the publication.

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 instant request does not identify a material mistake in the publication made by the Office:

The error in printing the wrong abstract on the front page of the publication is an Office error, but it is not a material error. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

[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 in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) 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

By facsimile: 703-872-9306

The application will be examined in due course.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

19 AUG 2003

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Robert B. Murray
Rothwell Figg Ernst & Manbeck PC
1425 K Street, NW
Washington, DC 20005

In re Application of	:	
BOYTON, Desmond Bruce	:	
Application No.: 10/399,470	:	DECISION
PCT No.: PCT/AU01/00743	:	
Int. Filing Date: 22 June 2001	:	ON PETITION UNDER
Priority Date: 23 June 2000	:	
Docket No.: 2982-0106	:	37 CFR 1.137(b)
For: POSITION ENCODER USING STATISTICALLY BIASED PSEUDORANDOM SEQUENCE	:	

Applicant's "Petition For Revival Under 37 CFR 1.137(b) of an Application For Patent Abandoned Unintentionally," filed in the above-captioned application on 18 April 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 declaration in compliance with 37 CFR 1.497(a)-(b) has been submitted. The fee for late filing of the oath or declaration will be charged to deposit account no. 02-2135, as authorized.

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. The application has a date of 18 April 2003 under 35 U.S.C. §371.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
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WK

Mailed: 5-17-06

In re application of	:	
Klaus Tank et al.	:	DECISION ON
Serial No. 10/399,471	:	PETITION
Filed: August 25, 2003	:	
For: A Method Of Making A Composite Abrasive Compact	:	

This is a decision on PETITION TO EXPUNGE UNDER 37 C.F.R. 1.59(b), filed June 27, 2005, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center for consideration.

DECISION

Petitioner requests that the Application Data Sheet filed April 18, 2003 be expunged and that the documents be appropriately disposed of in accordance with 37 CFR 1.59. Each of the criteria for granting the request has been satisfied, see the MPEP 724.05.

The petition is **GRANTED.**

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase "and returned" from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase "and return" from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

The image of the document will be removed from the Official file.

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

Corwin P. Umbach, Ph.D.
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
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30 AUG 2006

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DARBY & DARBY P.C.
P.O. BOX 5257
NEW YORK NY 10150-5257

In re Application of	:	DECISION
ARGENTIERI et al.	:	
Application No.: 10/399,489	:	
PCT No.: PCT/US01/32371	:	
Int. Filing Date: 17 October 2001	:	08/31/2006 SBHSHEIR 00065007 040100 10399489
Priority Date: 17 October 2000	:	01 FC:1454 1370.00 DA
Attorney Docket No.: AM100620	:	
For: METHODS OF SELECTING COMPOUNDS FOR MODULATION OF BLADDER INFECTION	:	

This decision is in response to applicants' "PETITION UNDER RULE 181 FOR ACKNOWLEDGMENT OF PRIORITY CLAIM AND CONDITIONAL PETITION UNDER 37 C.F.R. § 1.78(a)(3) FOR UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 120 FOR THE BENEFIT OF PRIOR-FILED APPLICATIONS" filed in the United States Patent and Trademark Office (USPTO) on 22 May 2006. (Although the petition refers to 37 CFR 1.78(a)(3) and 35 U.S.C. 120, the priority claims requested properly fall and have been treated as falling under 35 U.S.C. 119(e) and accordingly 37 CFR 1.78(a)(6). See, e.g., the application data sheet filed 22 May 2006.)

BACKGROUND

On 17 October 2001, applicants filed international application PCT/US01/32371 which designated the US and claimed a priority date of 17 October 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 25 April 2002. A Demand for international preliminary examination, in which the United States was elected, was filed on 02 May 2002, prior to nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 17 April 2003.

On 17 April 2003, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an application data sheet, and a declaration of the inventors.

On 14 October 2003, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495

(Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 17 April 2003.

On 23 May 2006, applicants filed the instant ""PETITION UNDER RULE 181 FOR ACKNOWLEDGMENT OF PRIORITY CLAIM AND CONDITIONAL PETITION UNDER 37 C.F.R. § 1.78(a)(3) FOR UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 120 FOR THE BENEFIT OF PRIOR-FILED APPLICATIONS" .

DISCUSSION

Petition Under 37 CFR 1.181

Applicants urge that the priority claim for two provisional applications was timely made "because the application entered the U.S. national stage from a PCT application that correctly claimed priority to both provisional applications." MPEP 201.11, item III. D., states in part:

> If an applicant includes a benefit claim in the application but not in the manner specified by 37 CFR 1.78(a) (e.g., if the claim is included in an oath or declaration or the application transmittal letter) within the time period set forth in 37 CFR 1.78(a), the Office will not require a petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) to correct the claim if the information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt. If, however, a claim is not included in the first sentence>(s)< of the specification or in an ADS and is not recognized by the Office as shown by its absence on the filing receipt, the Office will require a petition under 37 CFR 1.78(a) and the surcharge to correct the claim.

While the claim to nonprovisional application 60/241,078 was recognized by the Office even though it was not included in the first sentence following the title or in an application data sheet, the claim for nonprovisional application 60/281,428 was not. Thus, a petition under 37 CFR 1.78(a) is required.

Petition Under 37 CFR 1.78(a)

A petition for acceptance of a claim for late priority under 37 CFR 1.78 (a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

> (1) the reference required by 35 U.S.C. 119(e) and 37 CFR 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)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000 and the claim for benefit herein is submitted after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii). *See* 35 U.S.C. §119(e). Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C.§119(e) to the prior-filed provisional applications satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

Applicant is advised that the granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 119(e) and 37 CFR 1.78(a)(4) and (a)(5)must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. The examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.78 (a)(6) is **GRANTED**.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

02 MAR 2004

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YOUNG & THOMPSON
745 South 23rd Street
Arlington, VA 22202

In re Application of	:	DECISION ON
VAN DE BRAAK et al	:	
Application No.: 10/399,491	:	
PCT No.: PCT/NL01/00764	:	
Int. Filing Date: 17 October 2001	:	PETITION UNDER
Priority Date: 17 October 2000	:	
Attorney's Docket No.: 2001-1255	:	
For: PUMP WITH PRESSURE-INDICATION	:	
MEANS	:	37 CFR 1.181

This Decision is in response to applicant's "PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAW THE HOLDING OF ABANDOMENT," filed on 19 November 2003, requesting to withdraw the holding of abandonment.

BACKGROUND

On 17 October 2001, applicants filed international application PCT/NL01/00764, which claimed priority of an earlier application filed 17 October 2000. A copy of the intentional application was transmitted on 25 April 2002 to the USPTO from the International Bureau. A DEMAND was timely filed on 17 May 2002 electing the United States. Accordingly, the thirty month (30) time period for paying the basic national fee in the United States of America expired at midnight on 17 April 2003.

On 17 April 2003, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No oath or declaration of the inventors accompanied the transmittal letter.

On 15 July 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" must be submitted within two months from its 15 July 2003 date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 19 November 2003, applicants filed the instant petition accompanied, inter alia, with a copy of the docket record for the period of September 14 to September 16, 2003.

DISCUSSION

MPEP section 711.03(c) establishes the requirement to show nonreceipt of an Office action. It states that:

> "The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

A review of petition reveals that applicants have complied with the requirements set forth in section 711.03(c), which requires a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed and a docket report from September 14 to September 16, 2003.

Applicants have submitted a copy of the docket report showing all replies docketed for a date from September 14 to September 16, 2003 two months from the mail date of the nonreceived Office action that was mailed by the USPTO on 15 July 2003, and applicants have indicated that the file-jacket of the above application was also searched for the Notice from the USPTO and it reveals that no additional entry has been made following the initially filed papers of April 17, 2003. The items above reveal that the Notification of Missing Requirement was not received by applicants.

Accordingly, petitioner has met the requirements under MPEP section 711.03(c) to establish nonreceipt of an Office action.

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 the remailing of the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) previously mailed on 15 July 2003, and setting a new two-month extendable period for reply to the communication.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459

Leonard Smith
PCT Legal Examiner
PCT Legal Office

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

MICHAEL BEST & FRIEDRICH LLP
100 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

Applicant	: Michel Baseotto	: DECISION ON REQUEST FOR
Patent Number	: 7581279	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/399,509	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/17/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

01 AUG 2005

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Cassandra T. Swain
Kenyon & Kenyon
1500 K Street, N.W.
Suite 700
Washington, D.C. 20005-1257

In re Application of
TAKAKI et al.
Application No.: 10/399,512
PCT No.: PCT/JP02/10429
Int. Filing Date: 08 October 2002
Priority Date: 12 October 2001
Atty. Docket No.: 12523/2
For: THERMOPLASTIC RESIN COMPOSITION HAVING EXCELLENT IMPACT RESISTANCE

DECISION ON PETITION

This decision is in response to applicants' "Petition under 37 CFR 1.182 to Correct Specification Translation Error" filed in the United States Patent and Trademark Office on 05 July 2005, which is being treated as a Petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 08 October 2002, applicants filed international application PCT/JP02/10429 which claimed a priority date of 12 October 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 April 2003. 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, 12 April 2004.

On 17 April 2003, applicants filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; a purported translation of the international application; an executed declaration; and a preliminary amendment.

On 25 July 2003, the United States Designated/Elected Office (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) which set forth a 35 U.S.C. 371 completion date of 17 April 2003.

On 05 July 2005, applicants filed a "Petition under 37 CFR 1.182 to Correct Specification Translation Error.

DISCUSSION

A review of the application file and other Patent and Trademark Office records reveal that the requirements of 35 U.S.C. 371(c) for entry into the national stage in the United States of America have not been completed as indicated in the Notification of Acceptance mailed by the DO/EO/US on 25 July 2003. Applicants requests, "entry of a corrected English translation of the specification of this application to correct the following translation errors inadvertently filed in the original specification. The term 'Ca^{2+}' in the specification, ¶0018, was mistakenly omitted and the term '300 parts' in the specification, ¶0028, was incorrectly changed to '200 parts'." Since the translation of the international application filed 17 April 2003 was not an identical translation in accordance with 35 U.S.C. 371(c)(1), the Notification of Acceptance of Application mailed 25 July 2003 is vacated.

With the filing of the new translation of International PCT application PCT/JP02/10429 on 05 July 2005, the above-identified application will be given an international filing date of 08 October 2002 under 35 U.S.C. 363, and a date of 05 July 2005 under 35 U.S.C. 371(c)(1), (c)(2), and(c)(4).

Deposit Account no. 11-0600 will be charged a $130.00 processing fee under 37 CFR 1.492(f) for providing an English translation later than 30 months from the earliest claimed priority date.

CONCLUSION

Applicant's request to accept the translation of the international application under 35 U.S.C. 371, filed 05 July 2005, 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 on 25 July 2003 is hereby **VACATED**.

This application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of 05 July 2005 under U.S.C. 371 371(c)(1), (c)(2), and(c)(4).

Group Art Unit 1711 will be notified of this decision.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
Fax: 571-273-0459

24 JUN 2008

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BREINER & BREINER, LLC
115 North Henry Street
P.O. Box 19290
Alexandria, Virginia 22320-0290

In re Application of	:	DECISION ON
LISEC et al	:	
Application No.: 10/399,521	:	
PCT No.: PCT/DE01/04023	:	
Int. Filing Date: 23 October 2001	:	PETITION UNDER
Priority Date: 24 October 2000	:	
Attorney's Docket No.: 6019	:	
For: PIPETTE SYSTEM AND PIPETTE	:	
ARRAY	:	37 CFR 1.181

This decision is in response to applicants' "REQUEST FOR CORRECTION OF NOTIFICATION OF ACCEPTANCE, and the RESUBMISSION OF REQUEST FOR CORRECTION OF NOTIFICATION OF ACCEPTANCE" filed on 05 November 2003 and 31 January 2008, respectively, which is being treated as a petition under 37 CFR 1.181 requesting the Date of Completion of all 35 USC 371 requirements is 06 May 2003 because this is the date that the executed declaration was filed and not as stated in the PCT/DO/EO/903 (17 September 2003).

BACKGROUND

On 17 April 2003, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), a copy of the international application. However, no executed Declaration as set forth by 35 U.S.C. 371(c)(4) was filed on such time.

On 06 May 2003, applicants filed an executed declaration.

On 27 August 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 the 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 must be furnished within the time period set forth. The notification set a two (2) month time limit or 32 months from the priority date for the application, whichever is later to respond. Failure to properly respond would result in abandonment.

On 17 September 2003, applicants re-filed, inter alia, a copy of the executed declaration filed on 06 May 2003.

On 21 October 2003, a Notification of Acceptance (Form PCT/DO/EO/903) was mailed stating that the Date of Receipt of 35 USC 371 (c)(1), (c)(2), and (c)(4) requirements and the Date of Completion of All 35 USC 371 Requirements is 17 September 2003.

On 05 November 2003, applicants filed a "Request for Correction of Notification of Acceptance," which included a copy of the executed declaration and postcard containing the date of the U.S. PTO stamped date as May 6, 2003.

On 31 January 2008, applicants filed a "RESUBMISSION OF REQUEST FOR CORRECTION OF NOTIFICATION OF ACCEPTANCE."

DISCUSSION

A review of the file shows that the executed declaration for application 10/399,521 was filed on 05 November 2003. Therefore, the date of receipt of 35 USC 371(c)(1), (c)(2), and (c)(4) requirements and the date that all of the requirements under 35 U.S.C. 371 have been satisfied is 06 May 2003.

DECISION

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

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 21 October 2003 **VACATED** with the mailing of this decision.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371 and for issuing a new PCT/EO/DO/ form 903. The 35 USC 371(c)(1), (c)(2), and (c)(4) date and the date of completion of all 35 USC 371 requirements of this application is **06 May 2003.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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OCT 23 2008

OFFICE OF PETITIONS

In re Application of :
Mitsuru Minakuchi :
Application No. 10/399,522 : ON PETITION
Filed: April 17, 2003 :
Attorney Docket No. 1248-0644P :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 25, 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 July 26, 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). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. A Notice of abandonment was mailed June 4, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $1540.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584 .

This application is being referred to Technology Center AU 3625 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Application No: 10/399,522 Date: 10/9/08

CHECKLIST - PETITION TO REVIVE (UNINTENTIONAL) 37 CFR 1.137(b)

Petition under 37 CFR 1.137(b) requires:

1. Petition fee;
2. Reply and/or issue fee;
3. Terminal disclaimer with disclaimer fee - utility and plant filed before 6/8/95 and all design cases;
4. Statement that the entire delay was unintentional.

Petition Date: 6/25/08

Petition Fee: ( ) $770/SM (✓) $1540/LG ( ) Not Paid

Is statement of unintentional delay present? (✓) YES ( ) NO (Can statement be construed as unintentional?)

Is petition signed by attorney of record? (✓) YES ( ) NO Petition address the same as address in palm. (✓) YES ( ) NO

Mail Date of Office Action: 7/26/07

Type of Office Action: Final Rej.

Statutory Response Period Set: ( ) 30 days ( ) 1 month ( ) 2 months (✓) 3 months

Ext of time obtained w/in SSP: (✓) None ( ) 1 month ( ) 2 months ( ) 3 months ( ) 4 months

Abandonment Date: 10/27/07

Type of reply received: RCE

Terminal Disclaimer required: ( ) YES (✓) NO (utility applications filed after 6/8/95 or before 5/29/00 and all design applications)

Petition Decision Codes

502 - 37 CFR 1.137(b) Revival based on unintentional delay in abandon application
510 - 37 CFR 1.137(b) Revival to accept late payment of issue fee (unintentional)

Grant
502

Fee Codes

1453/2453 *$1540/$770* *502/510 Petitions*

Paralegal: [signature] ( )Dismissed (✓)Granted

MAG:01/07

PTO/SB/64 (01-08)
Approved for use through 05/31/2008. 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) 1248-0644P

First named inventor: Mitsuru MINAKUCHI

Application No: 10/399,522-Conf. #2385 Art Unit: 3625

Filed: April 17, 2003 Examiner: R. M. Pond

Title: SELECTION SET EVALUATION DEVICE AND SALE MANAGEMENT DEVICE

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 any 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 $ 1,540.00 (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 Request for Continued Examination (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.

3. Terminal disclaimer with disclaimer fee

[x] 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.

Robert Downe #48222 — Signature

June 25, 2008 — Date

Terrell C. Birch — Typed or printed name

19,382 — Registration Number, if applicable

BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747 — Address

(703) 205-8011 — Telephone Number

Enclosures:
[x] Fee Payment
[ ] Reply
[ ] Terminal Disclaimer Form
[ ] Additional sheets containing statements establishing unintentional delay
[x] Other: Request For Continued Examination

Attorney/Agent Information for 10/399522

Customer # 02292

Attorney/Agent Name	Attorney/Agent Registration Number	Attorney/Agent Telephone Number
BIRCH, TERRELL	19382 (Attorney)	(703)205-8000

Appln Info | Contents | Petition Info | **Atty/Agent Info** | Continuity/Reexam | Foreign Data

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Correspondence Address for 10/399522

Customer Number	Contact Information	Address
02292 Delivery Mode: Electronic	Telephone: (703)205-8000 Fax: (703)205-8050 E-Mail: mailroom@bskb.com	BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH VA 22040-0747

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10/399522 Examiner: POND, ROB GAU: 3625
Inventor: MINAKUCHI , MITSURU Classification: 705/026.000
Status: 161 - ABANDONED -- FAILURE TO RESPOND TO AN OFFICE ACTION
Title: SELECTION SET EVALUATION DEVICE AND SALE MANAGEMENT DEVICE
Start Date: End Date:

bib_fee report (13 items, not sorted)

Acct Date	Seq. Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
06/26/2008	4888	4	1453	$1,540.00	06/25/2008	DA 022448
06/26/2008	4889	4	1801	$810.00	06/25/2008	DA 022448
01/10/2008	4139	4	1253	$1,050.00	01/09/2008	DA 022448
05/07/2007	2325	4	1251	$120.00	05/04/2007	DA 022448
10/13/2006	311	1	1202	$1,550.00	10/12/2006	CK
10/13/2006	312	1	1201	$600.00	10/12/2006	CK
08/01/2003	187	1	1614	$336.00	07/28/2003	CK
08/01/2003	188	1	1615	$72.00	07/28/2003	CK
04/23/2003	77	1	1613	$900.00	04/17/2003	CK
04/23/2003	78	1	1615	$594.00	04/17/2003	CK
04/23/2003	79	1	1614	$840.00	04/17/2003	CK
04/23/2003	80	1	1616	$280.00	04/17/2003	CK
04/23/2003	81	1	8021	$40.00	04/17/2003	CK

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7TH FLOOR
1100 SUPERIOR AVENUE
CLEVELAND, OH 44114-2518

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MAR 2 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Carl-Gustaf Ek, et al.	:	
Application No. 10/399,524	:	ON PETITION
Filed: July 14, 2003	:	
Attorney Docket No. KADZ 200030	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 16, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 8, 2005. On June 29, 2006 a Notice of Abandonment was mailed. In response, on November 16, 2006, the present petition was filed.

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).

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 $790 and the submission required by 37 CFR 1.114; (2) the petition fee of $1,500; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 3671 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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DANIEL P. BURKE, ESQ.
300 RABRO DRIVE
SUITE 131
HAUPPAUGE, NY 11788

MAILED

MAR 13 2009

OFFICE OF PETITIONS

In re Application of
Ben Ellis
Application No. 10/399,528
Filed: April 15, 2003
Attorney Docket No. 1367-24

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 is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3213.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

30 MAR 2004

#7

UNITED STATES PATENT and TRADEMARK OFFICE

30 MAR 2004

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

Jeffrey R. Ramberg
M Cubed Technologies, Inc.
1 Tralee Industrial Park
Newark, DE 19711

In re Application of	:	DECISION ON
Andersson et al	:	
Application No.: 10/399,541	:	
PCT No.: PCT/US01/32389	:	
Application No: 10/399,541	:	PETITION UNDER
Int. Filing Date: 17 October 2001	:	
Priority Date: 18 October 2000	:	
Attorney's Docket No.: M-108-A-PCT-US	:	37 CFR 1.47(a)
For: Composite Adhesive	:	

This is in response to the "RESPONSE TO "NOTIFICATION OF DEFECTIVE RESPONSE" filed on 14 November 2003. The petition fee of 130.00 has paid by check.

BACKGROUND

On 17 October 2001, applicants filed international application PCT/US01/32389, which claimed priority to an earlier application filed 18 October 2000.

On 17 April 2003, applicant filed 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 accompanied the above the above papers.

On 08 July 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" must be submitted within two months from its 08 July 2003 date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 02 October 2003, petitioner filed, *inter alia*, an executed declaration without the signature of Mr. Philip Roach.

On 29 October 2003, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) . The notification indicated that it was not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68 and that the second inventor, Philip J. Roach did not sign the declaration.

On 14 November 2003, applicants filed a "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS," which included, *inter alia*, a copy of the petition under 37 CFR 1.47 allegedly mailed on September 30, 2003.

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) - (4) of 37 CFR 1.47(a).

Regarding requirement (1), petitioner has provided the fee under 37 CFR 1.17(h).

Regarding requirement (2), the averments of Mr. Ramberg are sufficient to support a finding that the nonsigning inventor, Mr. Roach refuses to sign because a copy of the patent application papers including the Specification, Claims, Drawings, and a Declaration were mailed to Mr. Roach for his execution on May 07, 2003 and that he refused. In fact, Mr. Roach expressly refused to signed the required papers as evidenced by the copy of his e-mail on June 23, 2003.

Regarding requirement (3), petitioner has provided a statement of the last known address of the missing inventor.

Regarding requirement (4), petitioner has provided an executed declaration signed by Mr. Clarence A. Anderson on his behalf and on the behalf of the nonsigning joint inventor Philip J. Roach.

Accordingly, the Mr. Ramberg has provided sufficient evidence to establish that the Mr. Roach has refused to sign the declaration.

Petitioner has satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

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 United States Designated/Elected Office (DO/EO/US) for continued processing to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The 35 USC 371 (c)(1), (c)(2), and (c)(4) date of this application is **02 October 2003.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office

Telephone: (703) 308-6312
Facsimile: (703) 308-6459

Leonard Smith
PCT Legal Examiner
PCT Legal Office

30 MAR 2004

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Philip Roach) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/US01/32389 and was filed on 17 October 2001 in the name of Clarence A. Andersson and Philip J. Roach for the invention entitled Composite Adhesive. The national stage application number is 10/399,541 and has a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 17 April 2003.

30 MAR 2004

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Philip J. ROACH
184 Morris Road, Townsend
Delaware 19734

In re Application of
Andersson et al
Application No.: 10/399,541
PCT No.: PCT/US01/32389
Application No: 10/399,541
Int. Filing Date: 17 October 2001
Priority Date: 18 October 2000
Attorney's Docket No.: M-108-A-PCT-US
For: Composite Adhesive

Dear Mr. Roach:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459

Jeffrey R. Ramberg
M Cubed Technologies, Inc.
1 Tralee Industrial Park
Newark, DE 19711

20 MAY 2004

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Paul T. Clark
Clark & Elbing LLP
101 Federal Street
Boston, MA 02110

MAY 24 2004

CLARK & ELBING LLP

In re Application of
COY et al.
U.S. Application No. 10/399,542
PCT No.: PCT/US01/50724
Int. Filing Date: 19 October 2001
Priority Date: 20 October 2000
Attorney Docket No.: 50165/004002
For: UROTENSIN-II AGONISTS AND ANTAGONITS

DECISION ON REQUEST

This decision is in response to applicants' "Petition to Correct Inventorship under 37 CFR 1.497(d)" filed 03 May 2004. The $130 petition fee will be charged to Deposit Account no. 03-2095.

BACKGROUND

On 19 October 2001, applicants filed international application PCT/US01/50724 which claimed a priority date of 20 October 2000. The international application named David H. Coy and Wojciech J. Rossowski as applicants/inventors. A Demand for international preliminary examination was filed prior to 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee expired at midnight on 20 April 2003.

On 18 April 2003, applicants filed a transmittal letter for entry into the national stage accompanied by, *inter alia:* the requisite basic national fee and a copy of the international application.

On 25 November 2003, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 17 February 2004, applicant filed a declaration executed by: David H. Coy, Wojciech J. Rossowski, and John E. Taylor.

On 05 April 2004, the United Stated Designated/Elected Office mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 17 February 2004 was defective because it indicated an additional inventor not listed on the published international application.

On 03 May 2004, applicants filed "Reply to Notification of Defective Response" which included a Request under 37 CFR 1.497(d); Declaration of Inventor Being Added Pursuant to 37 CFR 1.497(d); and a Consent of Assignee.

DISCUSSION

In the instant case, the international application named David H. Coy and Wojciech J. Rossowski as applicants/inventors. Applicants request to add John E. Taylor as an applicant/inventor. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires:

(1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a);

(3) the fee set forth in 37 CFR 1.17(i); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicants have satisfied items (1) and (3).

As to item (2), a review of the declaration filed on 17 February 2004 reveals that the declaration is not in an acceptable form. Specifically, there is an issue as to whether the declaration has been properly executed. The declaration filed with the petition includes a duplicate sheet of page 2 of 2 It is unclear if the inventors were presented with only page 2, in which case the execution would be improper, or if they were presented with a complete declaration for signing, but counsel subsequently compiled the declaration into the single document filed 17 February 2004, which is improper. (See MPEP 201.03(B) on how to correct this matter.)

In regard to item (4) above, the written consent of the assignee is not acceptable. Section 201.03 of the M.P.E.P states in part that: "[t]he title of the party signing on behalf of a corporate assignee and the authority to do so should be set forth in the written consent. Consent of a corporate assignee may be signed by an officer (e.g., president, vice president, secretary, or treasurer) of the corporation or may include a statement in oath or declaration form that the person signing the consent has authority to do so. Further the assignee must establish its ownership of the application in accordance with 37 CFR 3.73." The consent of assignee is executed by the Associate Director and the petition does not aver that Associate Director has the authority to provide consent for the assignee. Therefore, applicants are requested to file an additional written consent of the assignee that provides the name and

title of the individual with authority to act on behalf of the assignee.

For the reasons discussed above, it is inappropriate, at this time, to grant applicants request for correction of inventorship.

CONCLUSION

For the reasons discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

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). A proper response must include a written consent of assignee in compliance with 37 CFR 3.73(b).

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (703) 308-6314
Fax: (703) 308-6459

ACTION DUE Reply
DUE DATE 7-20-04
ESP 11-20-04
INITIALS mh

22 JUL 2004

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Paul T. Clark
Clark & Elbing LLP
101 Federal Street
Boston, MA 02110

In re Application of
COY et al.
U.S. Application No. 10/399,542
PCT No.: PCT/US01/50724
Int. Filing Date: 19 October 2001
Priority Date: 20 October 2000
Attorney Docket No.: 50165/004002
For: UROTENSIN-II AGONISTS AND ANTAGONITS

DECISION ON REQUEST

This decision is in response to applicants' "Petition to Correct Inventorship under 37 CFR 1.497(d)" filed 19 July 2004.

BACKGROUND

On 19 October 2001, applicants filed international application PCT/US01/50724 which claimed a priority date of 20 October 2000. The international application named David H. Coy and Wojciech J. Rossowski as applicants/inventors. A Demand for international preliminary examination was filed prior to 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee expired at midnight on 20 April 2003.

On 18 April 2003, applicants filed a transmittal letter for entry into the national stage accompanied by, *inter alia:* the requisite basic national fee and a copy of the international application.

On 25 November 2003, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 17 February 2004, applicants filed a declaration executed by: David H. Coy, Wojciech J. Rossowski, and John E. Taylor.

On 05 April 2004, the United Stated Designated/Elected Office mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 17 February 2004 was defective because it indicated an additional inventor not listed on the published international application.

On 03 May 2004, applicants filed "Reply to Notification of Defective Response" which included a Request under 37 CFR 1.497(d); Declaration of Inventor Being Added Pursuant

to 37 CFR 1.497(d); and a Consent of Assignee. In a "Decision on Request" dated 20 May 2004, applicants' petition under 37 CFR 1.497(d) was dismissed without prejudice.

On 19 July 2004, applicants filed (renewed) "Petition to Correct Inventorship under 37 CFR 1.497(d); an executed declaration; and Written Consent of Assignee.

DISCUSSION

In the instant case, the international application named David H. Coy and Wojciech J. Rossowski as applicants/inventors. Applicants request to add John E. Taylor as an applicant/inventor. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires:

(1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a);

(3) the fee set forth in 37 CFR 1.17(i); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicants have satisfied items (1), (2), (3) and (4).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 19 October 2001 and a date of **19 July 2004** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (703) 308-6314
Fax: (703) 308-6459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 4, 2006

TO SPE OF : ART UNIT 1742

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/399549 Patent No.: 7,014,721 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.

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

Comments: Correction for typo-error

Roy King — SPE

1742 — Art Unit

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

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OFFICE OF PETITIONS

In re Application of :
VAN DEN BROECKE, et al. :
Application No. 10/399,557 : DECISION ON PETITION
Filed: April 18, 2003 : TO WITHDRAW
Attorney Docket No. 4662-353 : 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 21, 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

16 NOV 2004

#6

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Merchant & Gould
P.O. Box 2903
Minneapolis, MN 55402-0903

In re Application of :
REID et al. :
Application No.: 10/399,562 : DECISION ON PETITION
PCT No.: PCT/AU01/01341 :
Int. Filing Date: 19 October 2001 :
Priority Date: 19 October 2000 :
Attorney Docket No.: 13353.0017USW0 :
For: IMPROVED CRYSTAL MOUNTING IN SOLID STATE LASER

This decision is in response to applicants' "Petition under 37 CFR 1.8" filed 17 August 2004, which is being treated as a "Petition under 37 CFR 1.182." The petition fee under 37 CFR 1.17 has been charged to Deposit Account no. 13-2725.

BACKGROUND

On 19 October 2001, applicants filed international application PCT/AU01/01341 which claimed a priority date of 19 October 2000 and which 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 25 April 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, 19 April 2003.

On 18 April 2003, applicants filed a Transmittal Letter for entry into the national stage accompanied, *inter alia,* by: the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 25 June 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 set a two-month time limit in which to respond.

On 17 August 2004, applicants filed the present petition which was accompanied, among other things: a copy of the declaration and power of attorney filed 22 December 2003; post card receipt for application no. 10/399,950 dated 22 December 2003; and a copy of a check in the amount of $740 and $65.00.

On 19 October 2004, the United States Elected Office mailed a Notification of Abandonment under 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application

was abandoned for failure to file a complete response to the Notification of Missing Requirements mailed 25 June 2003 within the time period set therein.

DISCUSSION

Accordingly, the present petition has been treated as a petition under 37 CFR 1.182 to correct the application number identified on applicants' 22 December 2003 submission to the proper application number, that is, 10/399,562.

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. See MPEP 503. Here, applicants have provided a copy of their date-stamped filing receipt. The receipt identifies the application by applicant; attorney docket number; and the title of invention. The receipt itemizes, inter alia: a check in the amount of $65 and a Declaration for Patent Application. The receipt is stamped "Rec'd. PCT/PTO 22 DEC. 2003" across its face. A review of the papers filed 22 December 2003 reveals that the declaration included sufficient information to permit identification of the application to which it was intended to be directed, i.e., national stage application no.10/399,562.

The papers filed on 22 December 2003 have been removed from application number 10/399,950 and placed in application folder number 10/399,562.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**. The declaration and power of attorney filed 22 December 2003 was a timely response to the Notification of Missing Requirements mailed 25 June 2003

This application will be given an international filing date of 19 October 2001 and a date of **22 December 2003** under 35 U.S.C. 371. The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Anthony Smith
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OFFICE OF PETITIONS

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No. 7,473,681
Faircloth et al.
Issue Date: January 6, 2009
Application No. 10/399,571
Filed: November 14, 2003
Attorney Docket No. 14620-023US1
Title: KAHALALIDE F

: DECISION ON REQUEST FOR
: RECONSIDERATION OF
: PATENT TERM ADJUSTMENT
: AND NOTICE OF INTENT
: TO ISSUE CERTIFICATE OF
: CORRECTION

This is a decision on the petition filed on March 6, 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 eight hundred fifty-eight (858) days. Patentees also dispute the 138-day reduction.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED TO THE EXTENT INDICATED HEREIN.**

Patentees' calculations include 155 days under 37 CFR 1.702(a) plus 982 days under 37 CFR 1.702(b) minus 127 days under 37 CFR 1.704 for applicant delay minus 152 days of overlap. The net result of patentee's calculation yields 858 days.

The patent is entitled to an overall patent term adjustment of 769 days, as set forth herein.

The adjustments under 37 CFR 1.702(a) totaling 155 days and the adjustment under 37 CFR 1.702(b) totaling 982 are not in dispute. The fact that the adjustments under "A" and "B" overlap by 152 days is also not in dispute.

While patentees argue that the correct period of applicant delay is 127 days, a review of the record reveals that the adjustments under 37 CFR 1.702 are properly reduced 216 days for applicant delay.

The adjustment is properly reduced 20 days pursuant to 37 CFR 1.704(b) in connection with the reply filed November 14, 2003 in response to the Notice mailed July 25, 2003. The reduction

commenced October 26, 2003, the day after the date that is three months after the date that the Notice was mailed, and ended November 14, 2003, the date that a reply to the Notice was filed.

As undisputed, the adjustment is further reduced 71 days in connection with the reply filed September 3, 2004 in accordance with 37 CFR 1.704(b).

As undisputed, the adjustment is further reduced 32 days in accordance with 37 CFR 1.704(b) in connection with the reply filed February 27, 2007.

The adjustment is properly reduced an additional 69 days in accordance with 37 CFR 1.704(c)(8) in connection with the submission dated December 11, 2007. The reduction commenced October 4, 2007, the day after the date that the initial reply was filed, and ended December 11, 2007, the date that the supplemental reply was filed.

As undisputed, the adjustment is further properly reduced 24 days in accordance with 37 CFR 1.704(b) in connection with the reply filed April 11, 2008.

Patentees further argue that the reduction of 138 days is in error given the reply filed August 27, 2008 was submitted at the request of the examiner of record.

Normally issues that could have been raised in an application for patent term adjustment under 37 CFR 1.705(b) are dismissed as untimely if first raised on request for reconsideration under 37 CFR 1.705(d). However, in view of the fact that the calculation of adjustment for the instant patent has been revised in light of the contestation of the adjustment pursuant to 37 CFR 1.702(b) and in view of the fact that the recalculation of the overall patent term adjustment reveals reductions that the Office previously neglected to assess, the reduction of 138 days, found to have been entered in error, has been restored.

Patentees, however, are advised that applications for patent term adjustment under 37 CFR 1.705(d) should only raises issues tied to the revised determination calculated after the mailing of the notice of allowance. Otherwise, challenges to calculations determined prior to the notice of allowance (and reflected in the determination sent with the notice of allowance) will be dismissed as untimely when first presented under 1.705(d).

In view thereof, the patent is entitled to an overall adjustment of 769 days (155 days under 37 CFR 1.702(a) + 982 days under 37 CFR 1.702(b) – 152 overlapping days – 216 days of applicant delay).

The application is being forwarded to the Certificate of Corrections 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 769 days.

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.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to Petitions Attorney, Charlema Grant at (571) 272-3215.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,473,681 B2

DATED : **January 6, 2009** **DRAFT**

INVENTOR(S) : Faircloth 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 519 days

Delete the phrase "by 519 days" and insert – by 769 days--

IFW
2877

NEIFELD IP LAW, P.C.
2001 Jefferson Davis Highway
Suite 1001
Arlington, VA 22202

Tel: 703-415-0012
Fax: 703-415-0013
Email: rneifeld@Neifeld.com
Web: www.Neifeld.com

OIPE JC139
AUG 17 2004
PATENT & TRADEMARK OFFICE

TRANSMITTAL LETTER AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

ASSISTANT COMMISSIONER FOR PATENTS
Alexandria, VA 22313

RE: Attorney Docket No.: X2YA0015UPCT-US
Application Serial No.: 10/399,590
Filed:08/14/03
Title: Amalgam of Shielding and Shielded Energy Pathways And Other Elements for Single or Multiple Circuitries
Inventor: ANTHONY, William
Group Art Unit: Unknown
Examiner: Unknown

SIR:

Attached hereto for filing are the following papers:

1. Decision on Petition Under 37 CFR 1.183 Seeking Waiver of Requirements Under 37 CFR 1.98 and 1.52 (Filed in Application Serial No: 10/237,079, Neifeld Docket No: X2YA0010U-US; 5 Pages)

Our check in the amount of $0.00 is attached covering the required fees.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-2106. A duplicate copy of this sheet is enclosed.

31518
PATENT TRADEMARK OFFICE

8/17/04
Date

Richard A. Neifeld, Ph.D.
Registration No. 35,299
Attorney of Record

Printed: August 16, 2004 (3:33pm)
Y:\Clients\X2YA\X2YA0015\X2YA0015UPCT-US\Drafts\Transmittal_Letter_040816.wpd

8730 rb

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OIPE JC139
AUG 17 2004
PATENT & TRADEMARK OFFICE

NEIFELD IP LAW, PC
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

Attorney Review of Decision 8-2004

COPY MAILED

AUG 10 2004

OFFICE OF PETITIONS

In re Application of
Anthony, A. et al.
Application No. 10/237,079
Filed: September 9, 2002
For: UNIVERSIAL ENERGY CONDITIONING INTERPOSER WITH CIRCUIT ARCHITECTURE
Attorney Docket No. X2YA0010U/US

: DECISION ON PETITION
: UNDER 37 CFR 1.183
: SEEKING WAIVER OF
: REQUIREMENTS UNDER
: 37 CFR 1.98 and 1.52

This is a response to a petition under 37 CFR 1.183 filed on April 22, 2004, concurrently with an Information Disclosure Statement (IDS). The § 1.183 petition requests waiver of the rules for Information Disclosure Statements under 37 CFR 1.98. The petition under 37 CFR 1.183, is requesting relief from the § 1.98 provision which requires filing a paper copy of each reference in each of 26 related applications where the references are being cited by Petitioner. The request for waiver is made in view of the need to file multiple applications relating to different aspects of a particular invention. The § 1.183 petition also contains a request seeking permission to submit the same prior art submissions on compact disc which would require a waiver of 37 CFR 1.52(a) and (e).

The petition under 37 CFR 1.183 requesting relief to file a reduced number of paper copies of IDS references and to file them on compact disc is **GRANTED IN PART** to the extent set forth below.

Part I. Background

The instant application filed under 35 U.S.C. 111 is one of about 26 U.S. applications relating to different aspects of an invention.

DecPet_X2YA0010U_US_040813 RB

Petitioner's submission of an Information Disclosure Statement is taken as an attempt to comply with 37 CFR 1.56(b)(1) that requires disclosure to the Office of information material to patentability, which includes information that "establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim...." Such disclosure can be made by an Information Disclosure Statement (IDS) in the manner prescribed by 37 CFR 1.97 and 1.98.

Part II. Petition Under 37 CFR 1.183 - Special Treatment of Compact Disc

The petition states that the compact disc filed with the IDS is an additional copy of the paper references included with the IDS. It is not apparent from the petition why the Office needs to make available to every examiner in all 26 applications a second copy of each reference on compact disc. Accepting a second copy on compact disc of each reference places an additional burden on the Office. First, there is the burden to determine if the paper copy and the compact disc copy of the references are the same. If the two copies are not the same it raises questions about what the examiner considered in each application. Second, accepting the compact disc copy places a burden on the Office to maintain a copy as part of the Official record of the application. Finally, there is insufficient information in the petition evaluate the data formats and software requirements to determine how compatible the filing is with the Office's automated systems and procedures for maintaining records. Hence it is not clear why relief is required under § 1.183 if relief from filing a paper copy in each application is granted. Nor is it apparent on balance why the Office should accept the additional burden of having to process a second copy of the references on compact disc. In view of the relief granted below, no further discussion of the compact discs is required in this decision.

Petition under § 1.183 for a waiver of the rules for compact discs is Dismissed.

Part III. Petition Under 37 CFR 1.183 - Paper Copies

37 CFR 1.98 requires that any information disclosure statement provide a copy of all patents, publications or other information submitted under 37 CFR 1.97 for consideration by the Office. 37 CFR 1.97 notes that information disclosure statements are considered in regard to the application in which they are filed. See also MPEP 609, pages 600-121 and 600-122.

Paper copies: Petitioner notes that the instant application is one of about 24 bulk filing applications that have been filed in regard to a particular technology. Accordingly, Petitioner requests that one individual paper copy of each citation brought to the attention of the Office in regard to the instant individual application, the "holding" application, not be required to be submitted in each related "bulk filing" application.

Rather than be required to submit, via a paper copy, two cartons of foreign patent and non-patent literature references in each of 24 applications, Petitioner seeks to have:

(1) The concurrently filed single paper copy of each IDS citation fulfill the requirement for a paper copy in all 24 applications;

(2) One application (the instant application) identified as a "holding" application which would contain one complete set of paper copies of references; the paper copies of the references to be submitted in only the "holding" application;

(3) The other related pending U.S. applications, hereafter referred to as the "bulk filing" applications, be exempt from requiring a separately filed paper set of the references; the bulk filing applications will contain other information, e.g., a copy of the decision on petition permitting such procedure, and a copy of the Form 1449 (or equivalent).

Once past the initial IDS submission, the petition does not propose the waiver to apply to updates and no waiver is granted for updates of the IDS.

A review of Office records indicates that 23 applications are either Image File Wrapper (IFW) applications or will soon be IFW applications. The one application that is not an IFW application will become an IFW application upon filing an RCE which appears to be required for consideration of the IDS. The Office has provided an image copy of all of the IDS references from the holding application to the other 23 bulk IFW applications.

Decision: 37 CFR 1.183 provides relief for extraordinary situations, when justice requires suspension of any requirement of the regulations which is not a requirement of the statutes. The instant petition urges that not only would applicant be spared the necessity of submitting duplicative paper copies of foreign patent and non-patent literature references in 24 applications, but also the Office would benefit from not having to handle and store the duplicative sets of copies. While there may be some negative effects from the Office's point of view in terms of making the copies available in different applications from one paper copy, on balance, there is seen to be sufficient benefit to justify waiver in this instance for all the applications filed.

Accordingly, the petition under 37 CFR 1.183 is granted to the extent indicated and under the terms and conditions as are set forth below.

The § 1.98(a)(2) requirement for (the submission of) a copy of each foreign patent and non-patent literature IDS citation in a bulk filing application will be waived in the bulk filing applications provided that the following 7 conditions are complied with:

1) One paper copy of each foreign patent and non-patent literature IDS citation has been submitted to the Office in the concurrently filed IDS in this, the holding application;

2) The information cited in each of the bulk filing applications is or has also been cited in the holding application;

Note: Applicant is not required to cite in each bulk filing application every item of information that is cited in the instant holding application. Items should be cited in each bulk filing application on the basis of relevancy and materiality to the particular claims in the bulk filing application and what each piece of information teaches.

A waiver is not granted (for the requirement to supply a paper copy of an IDS citation in another bulk filing application) where the citation is not, or has not been, made in the instant holding application.

4) A copy of this Decision is filed in each bulk filing application for which waiver is requested;

5) Explanatory information related to a particular citation, such as the concise explanation of a foreign language reference under § 1.98(a)(2), if submitted in the holding application, must also be supplied in each bulk filing application where the citation is made.

6) The Office accepts and specifically reserves the right to terminate the waiver grant in regard to § 1.98(a)(2) without provision of reasons. In such event, a two month period will be given where paper copies would have to be supplied in all applications where new citations are made. Should a termination of the waiver be desired by the Office, the Office will provide written notice to the correspondence address of record. Termination by applicant may be by returning to compliance with § 1.98(a)(2) without formal notice thereof and no transition/continuing period after termination is required.

7) There will be no waiver of any aspects of 37 CFR 1.97 in any application after allowance or final rejection of that application.

Part IV. Further Correspondence

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

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

By FAX: (703) 872-9306
Attn: Office Patent Legal Administration/Michael L. Lewis

Telephone inquiries should be directed to Michael L. Lewis at (703)306-5585.

Robert J. Spar
Director
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Petitioner's list of Applications

NEIFELD DOCKET NO: X2YA0010U/US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATIONS OF: Anthony

Examiner: JACKSON, S.

APPLICATION NO: 10/237,079

GAU: 2836

Filed: 9/9/2002

Title: Universal Energy Conditioning Interposer with Circuit Architecture

and relating to the following 24 applications:

RECEIVED
APR 22 2004
OPLA

National AppNo	Neif Dock Ref	Status	Title
09/647,648	X2YA0105UPCT-US	Allowed	Component Carrier
10/479,506	X2YA0025UPCT-US	pending	Arrangement for Energy
10/766,000	X2YA0013U-US	pending	Shielded Energy Conditioner
09/996,355	X2YA0125U-US	Pending	Energy pathway arrangement
10/023,467	X2YA0126U-US	Pending	Energy pathway arrangements
10/115,159	X2YA0021U-US	Pending	Offset pathway arrangements
10/189,338	X2YA0022U-US	Pending	Pathway arrangement
10/189,339	X2YA0023U-US	Pending	Arrangement for energy
10/237,079	X2YA0010U/US	Pending	Universal energy conditioning
10/328,942	X2YA0108U-US-C1	Pending	Paired Multi-Layered Dielectric
10/344,749	X2YA0119UPCT-US	Pending	An Electrode Arrangement for
10/399,590	X2YA0015UPCT-US	Pending	Amalgam of shielding and
10/399,630	X2YA0014UPCT-US	Pending	Energy Pathway Arrangements
10/432,840	X2YA0016UPCT-US	Pending	Energy Pathway Arrangements
10/433,482	X2YA0017UPCT-US	Pending	Energy Pathway Arrangements
10/435,199	X2YA0020U-US	Pending	Energy Conditioning Structure
10/443,764	X2YA0026U-US-C1	Pending	Paired Multi-Layered Dielectric
10/443,778	X2YA0029U-US-C2	Pending	Energy Conditioning Circuit
10/443,788	X2YA0028U-US-C2	Pending	Component Carrier
10/443,792	X2YA0027U-US-C1	Pending	Multi-Functional Energy
10/460,361	X2YA0032UUSC1	Pending	Predetermined symmetrically
10/705,962	X2YA0041U-US	Pending	COMPONENT CARRIER
09/632,048	X2YA0117U-US	Allowed	Universal Energy Conditioning
10/369,335	X2YA0100U-US-C4	Allowed	Polymer Fuse & Filter

TO: ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22313

37 CFR 1.183 PETITION TO WAIVE PORTION OF THE IDS RULES

FILE A REDUCED SET OF REFERENCES

BEST AVAILABLE COPY

02 DEC 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

Dara L. Dinner
GLAXOSMITHKLINE
Corporate Intellectual Property
P.O. Box 1539
King Of Prussia, PA 19406-0939

In re Application of:
ADAMS, et al.
U.S. Application No.: 10/470,629
U.S. Filing Date: 19 August 2003
Attorney's Docket No.: P51178D1
For: NOVEL COMPOUNDS

DECISION ON PETITION

This decision is issued in response to applicants' petition under 37 CFR 1.181, filed 08 April 2004, and the status inquiry filed 07 October 2004. The petition requests that the materials filed by applicants on 19 August 2003, which were placed in application file 10/399,614, be removed from such application file and treated as a separate divisional application. No petition fee is required.

BACKGROUND

Application U.S. 10/399,614 is a national stage of international application PCT/US01/50493. Application file 10/399,614 contains documents and fees filed by applicants on 19 August 2003. These materials include the following: (1) Utility Patent Application Transmittal Letter; (2) Preliminary Amendment; (3) Declaration; (4) IDS, with copies of references; (5) abstract; (6) $2,574 in fees; and (7) copy of published PCT Application PCT/US01/50493 (201 pages, plus one page of drawings).

On 08 April 2004, applicants filed the petition considered herein. The petition seeks to have the materials filed 19 August 2003 treated as a separate divisional application of application file 10/399,614.

DISCUSSION

The Utility Patent Application Transmittal Letter included by applicants with the 19 August 2003 submission expressly indicates that the accompanying materials represent a "Divisional of prior application No.: 10/399,614 filed 4/18/03." The transmittal letter expressly references a 201 page specification with one additional page of drawings, such description corresponding to the copy of published international application PCT/US01/50493 included with the submission. The included fees were specifically identified as the basic filing fee and related claims fees. Based on the instructions in the filed Utility Patent Application Transmittal Letter, the materials filed on 19 August 2003 are properly treated as a separate divisional application, as requested in the present petition.

Copied from 10470629 on 08/18/2005

It is noted that the Preliminary Amendment included with the 19 August 2003 submission is directed to the present divisional application, and not to national stage application 10/399,614. Accordingly, such amendment should not be entered in national stage application 10/399,614. As requested by applicant, the national stage application will be processed as if the preliminary amendment filed 19 August 2003 had never been entered therein.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

The materials (including fees) filed on 19 August 2003 and mistakenly placed in parent application file 10/399,614 have been removed from such application and will be treated as a divisional application, application number 10/470,629, with a filing date of 19 August 2003.

A copy of the petition and this decision will be placed in application 10/399,614 and further processing of such national stage application will proceed under the premise that the materials filed 19 August 2003 (and specifically the Preliminary Amendment filed on that date) were never filed in such application.

The present application file, 10/470,629, will be forwarded to the Office Of Initial Patent Examination for further processing.

Richard Cole
PCT Legal Examiner
PCT Legal Office

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

RMR/RC:rmr

Copied from 10470629 on 08/18/2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SMITHKLINE BEECHAM CORPORATION
CORPORATE INTELLECTUAL PROPERTY-US,
UW2220
P.O. BOX 1539
KING OF PRUSSIA PA 19406-0939

COPY MAILED

JUN 26 2007

OFFICE OF PETITIONS

In re Application of :
Jerry L. Adams et al :
Application No. 10/399,614 :
Filed: April 18, 2003 :
Attorney Docket No. P51178 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.314, filed June 19, 2007, to defer issuance of the patent.

The petition is **GRANTED**.

Issuance will be deferred for a period of one month from the date of this decision. At the end of this period, the application will be referred to Publishing Division to be processed into a patent.

If an additional deferral period is required, another petition and fee should be promptly submitted. The petition must include a showing of extraordinary circumstances. See MPEP 1306.01.

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
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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

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

GLAXOSMITHKLINE
CORPORATE INTELLECTUAL PROPERTY, UW2220
P. O. BOX 1539
KING OF PRUSSIA, PA 19406-0939

OCT 26 2007

In re Application of
Adams et al
Serial No.: 10/399,614
Filed: April 16, 2003
Attorney Docket No.: P51178

DECISION ON PETITION

This letter is in response to the Petition under 37 C.F.R. 1.181, filed June 19, 2007, requesting the Technology Center Director declare an interference between this application and US 6,809,199.

BACKGROUND

A review of the application shows that this application has been allowed by the examiner and that applicants have paid the Issue Fee. Applicants have requested a delay in issuance of the patent pending decision on this petition.

It is noted that during prosecution of this application US 6,809,199 was utilized in a rejection of the claims of this application, but that this rejection was withdrawn upon applicants showing of an earlier date of invention than could be accorded US 6,809,199. Subsequent to withdrawal of the rejection the application was placed in condition for allowance by applicants and the examiner. During this process, consideration of whether to institute an interference proceeding between this application and US 6,809,199 was considered by the examiner in consultation with an interference specialist and a determination was made that no interference, in fact, exists.

DISCUSSION

Pursuant to applicants' request, a second review of the claims of this application and the claims of US 6,809,199 has been made by a different interference specialist and in consultation with an interference specialist from the Board of Patent Appeals and Interferences. Applicants' arguments for declaration of interference have been carefully considered, but it has been determined that the requisite requirements for declaration of interference remain lacking. Specifically, the claims of this application and the one with which interference is requested fail the two-way test for interference and, therefore, no interference in fact exists (see M.P.E.P. 2301.03 for further clarification). In view of this decision of the Interference Specialist, the petition must be denied.

DECISION

The petition is **DENIED** as moot for the reasons set forth above.

The application will be forwarded to the Office of Petitions for consideration of the petition to delay issuance of a patent.

Should there be any questions regarding this decision, please contact Special Program Examiner William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0519 or by Official Fax at 571-273-8300.

John LeGuyader
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

SMITHKLINE BEECHAM CORPORATION
CORPORATE INTELLECTUAL PROPERTY –
US, UW2220
P.O. BOX 1539
KING OF PRUSSIA PA 19406-0939

In re Application of	:	
Jerry L. Adams et al	:	
Application No. 10/399,614	:	DECISION ON PETITION
Filed: April 18, 2003	:	
Attorney Docket No. P51178	:	

This is a decision on the petition under 37 CFR 1.314, filed July 25, 2007, to defer issuance of the patent.

The petition is **GRANTED**.

Since the requested deferral period has now passed, this application will be referred to Publishing Division to be processed into a patent.

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

DFW
2836

NEIFELD IP LAW, P.C.
2001 Jefferson Davis Highway
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Web: www.Neifeld.com

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AUG 17 2004
PATENT & TRADEMARK OFFICE

TRANSMITTAL LETTER AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RE: Attorney Docket No.: X2YA0014UPCT-US
Application Serial No.: 10/399,630
Filed: 8/27/2003
Title: Energy Pathway Arrangement
Inventor: ANTHONY
Group Art Unit: Unknown
Examiner: Unknown

SIR:

Attached hereto for filing are the following papers:

1. Decision on Petition Under 37 CFR 1.183 Seeking Waiver of Requirements Under 37 CFR 1.98 and 1.52 (Filed in Application Serial No: 10/237,079, Neifeld Docket No: X2YA0010U-US; 5 Pages)

Our check in the amount of $0.00 is attached covering the required fees.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-2106. A duplicate copy of this sheet is enclosed.

8/17/04
Date

Richard A. Neifeld, Ph.D.
Registration No. 35,299
Attorney of Record

31518
PATENT TRADEMARK OFFICE

Printed: August 17, 2004 (8:29am)
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8730 rec'd

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 17 2004
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NEIFELD IP LAW, PC
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

Attorney Review of Decision: 8-2004

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AUG 1 0 2004

OFFICE OF PETITIONS

In re Application of
Anthony, A. et al.
Application No. 10/237,079
Filed: September 9, 2002
For: UNIVERSIAL ENERGY CONDITIONING INTERPOSER WITH CIRCUIT ARCHITECTURE
Attorney Docket No. X2YA0010U/US

: DECISION ON PETITION
: UNDER 37 CFR 1.183
: SEEKING WAIVER OF
: REQUIREMENTS UNDER
: 37 CFR 1.98 and 1.52

This is a response to a petition under 37 CFR 1.183 filed on April 22, 2004, concurrently with an Information Disclosure Statement (IDS). The § 1.183 petition requests waiver of the rules for Information Disclosure Statements under 37 CFR 1.98. The petition under 37 CFR 1.183, is requesting relief from the § 1.98 provision which requires filing a paper copy of each reference in each of 26 related applications where the references are being cited by Petitioner. The request for waiver is made in view of the need to file multiple applications relating to different aspects of a particular invention. The § 1.183 petition also contains a request seeking permission to submit the same prior art submissions on compact disc which would require a waiver of 37 CFR 1.52(a) and (e).

The petition under 37 CFR 1.183 requesting relief to file a reduced number of paper copies of IDS references and to file them on compact disc is **GRANTED IN PART** to the extent set forth below.

Part I. Background

The instant application filed under 35 U.S.C. 111 is one of about 26 U.S. applications relating to different aspects of an invention.

DecPet_X2YA0010U_US_040813 RS

Petitioner's submission of an Information Disclosure Statement is taken as an attempt to comply with 37 CFR 1.56(b)(1) that requires disclosure to the Office of information material to patentability, which includes information that "establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim...." Such disclosure can be made by an Information Disclosure Statement (IDS) in the manner prescribed by 37 CFR 1.97 and 1.98.

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The petition states that the compact disc filed with the IDS is an additional copy of the paper references included with the IDS. It is not apparent from the petition why the Office needs to make available to every examiner in all 26 applications a second copy of each reference on compact disc. Accepting a second copy on compact disc of each reference places an additional burden on the Office. First, there is the burden to determine if the paper copy and the compact disc copy of the references are the same. If the two copies are not the same it raises questions about what the examiner considered in each application. Second, accepting the compact disc copy places a burden on the Office to maintain a copy as part of the Official record of the application. Finally, there is insufficient information in the petition evaluate the data formats and software requirements to determine how compatible the filing is with the Office's automated systems and procedures for maintaining records. Hence it is not clear why relief is required under § 1.183 if relief from filing a paper copy in each application is granted. Nor is it apparent on balance why the Office should accept the additional burden of having to process a second copy of the references on compact disc. In view of the relief granted below, no further discussion of the compact discs is required in this decision.

Petition under § 1.183 for a waiver of the rules for compact discs is Dismissed.

Part III. Petition Under 37 CFR 1.183 - Paper Copies

37 CFR 1.98 requires that any information disclosure statement provide a copy of all patents, publications or other information submitted under 37 CFR 1.97 for consideration by the Office. 37 CFR 1.97 notes that information disclosure statements are considered in regard to the application in which they are filed. See also MPEP 609, pages 600-121 and 600-122.

Paper copies: Petitioner notes that the instant application is one of about 24 bulk filing applications that have been filed in regard to a particular technology. Accordingly, Petitioner requests that one individual paper copy of each citation brought to the attention of the Office in regard to the instant individual application, the "holding" application, not be required to be submitted in each related "bulk filing" application.

Rather than be required to submit, via a paper copy, two cartons of foreign patent and non-patent literature references in each of 24 applications, Petitioner seeks to have:

(1) The concurrently filed single paper copy of each IDS citation fulfill the requirement for a paper copy in all 24 applications;

(2) One application (the instant application) identified as a "holding" application which would contain one complete set of paper copies of references; the paper copies of the references to be submitted in only the "holding" application;

(3) The other related pending U.S. applications, hereafter referred to as the "bulk filing" applications, be exempt from requiring a separately filed paper set of the references; the bulk filing applications will contain other information, e.g., a copy of the decision on petition permitting such procedure, and a copy of the Form 1449 (or equivalent).

Once past the initial IDS submission, the petition does not propose the waiver to apply to updates and no waiver is granted for updates of the IDS.

A review of Office records indicates that 23 applications are either Image File Wrapper (IFW) applications or will soon be IFW applications. The one application that is not an IFW application will become an IFW application upon filing an RCE which appears to be required for consideration of the IDS. The Office has provided an image copy of all of the IDS references from the holding application to the other 23 bulk IFW applications.

Decision: 37 CFR 1.183 provides relief for extraordinary situations, when justice requires suspension of any requirement of the regulations which is not a requirement of the statutes. The instant petition urges that not only would applicant be spared the necessity of submitting duplicative paper copies of foreign patent and non-patent literature references in 24 applications, but also the Office would benefit from not having to handle and store the duplicative sets of copies. While there may be some negative effects from the Office's point of view in terms of making the copies available in different applications from one paper copy, on balance, there is seen to be sufficient benefit to justify waiver in this instance for all the applications filed.

Accordingly, the petition under 37 CFR 1.183 is granted to the extent indicated and under the terms and conditions as are set forth below.

The § 1.98(a)(2) requirement for (the submission of) a copy of each foreign patent and non-patent literature IDS citation in a bulk filing application will be waived in the bulk filing applications provided that the following 7 conditions are complied with:

1) One paper copy of each foreign patent and non-patent literature IDS citation has been submitted to the Office in the concurrently filed IDS in this, the holding application;

2) The information cited in each of the bulk filing applications is or has also been cited in the holding application;

Note: Applicant is not required to cite in each bulk filing application every item of information that is cited in the instant holding application. Items should be cited in each bulk filing application on the basis of relevancy and materiality to the particular claims in the bulk filing application and what each piece of information teaches.

A waiver is not granted (for the requirement to supply a paper copy of an IDS citation in another bulk filing application) where the citation is not, or has not been, made in the instant holding application.

4) A copy of this Decision is filed in each bulk filing application for which waiver is requested;

5) Explanatory information related to a particular citation, such as the concise explanation of a foreign language reference under § 1.98(a)(2), if submitted in the holding application, must also be supplied in each bulk filing application where the citation is made.

6) The Office accepts and specifically reserves the right to terminate the waiver grant in regard to § 1.98(a)(2) without provision of reasons. In such event, a two month period will be given where paper copies would have to be supplied in all applications where new citations are made. Should a termination of the waiver be desired by the Office, the Office will provide written notice to the correspondence address of record. Termination by applicant may be by returning to compliance with § 1.98(a)(2) without formal notice thereof and no transition/continuing period after termination is required.

7) There will be no waiver of any aspects of 37 CFR 1.97 in any application after allowance or final rejection of that application.

Part IV. Further Correspondence

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

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

By FAX: (703) 872-9306
Attn: Office Patent Legal Administration/Michael L. Lewis

Telephone inquiries should be directed to Michael L. Lewis at (703)306-5585.

Robert J. Spar
Director
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Petitioner's list of Applications

NEIFELD DOCKET NO: X2YA0010U/US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATIONS OF: Anthony Examiner: JACKSON, S.

APPLICATION NO: 10/237,079 GAU: 2836

Filed: 9/9/2002

Title: Universal Energy Conditioning Interposer with Circuit Architecture

and relating to the following 24 applications:

RECEIVED
APR 22 2004
OPLA

National AppNo	Neif Dock Ref	Status	Title
09/647,648	X2YA0105UPCT-US	Allowed	Component Carrier
10/479,506	X2YA0025UPCT-US	pending	Arrangement for Energy
10/766,000	X2YA0013U-US	pending	Shielded Energy Conditioner
09/996,355	X2YA0125U-US	Pending	Energy pathway arrangement
10/023,467	X2YA0126U-US	Pending	Energy pathway arrangements
10/115,159	X2YA0021U-US	Pending	Offset pathway arrangements
10/189,338	X2YA0022U-US	Pending	Pathway arrangement
10/189,339	X2YA0023U-US	Pending	Arrangement for energy
10/237,079	X2YA0010U/US	Pending	Universal energy conditioning
10/328,942	X2YA0108U-US-C1	Pending	Paired Multi-Layered Dielectric
10/344,749	X2YA0119UPCT-US	Pending	An Electrode Arrangement for
10/399,590	X2YA0015UPCT-US	Pending	Amalgam of shielding and
10/399,630	X2YA0014UPCT-US	Pending	Energy Pathway Arrangements
10/432,840	X2YA0016UPCT-US	Pending	Energy Pathway Arrangements
10/433,482	X2YA0017UPCT-US	Pending	Energy Pathway Arrangements
10/435,199	X2YA0020U-US	Pending	Energy Conditioning Structure
10/443,764	X2YA0026U-US-C1	Pending	Paired Multi-Layered Dielectric
10/443,778	X2YA0029U-US-C2	Pending	Energy Conditioning Circuit
10/443,788	X2YA0028U-US-C2	Pending	Component Carrier
10/443,792	X2YA0027U-US-C1	Pending	Multi-Functional Energy
10/460,361	X2YA0032UUSC1	Pending	Predetermined symmetrically
10/705,962	X2YA0041U-US	Pending	COMPONENT CARRIER
09/632,048	X2YA0117U-US	Allowed	Universal Energy Conditioning
10/369,335	X2YA0100U-US-C4	Allowed	Polymer Fuse & Filter

TO: ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22313

37 CFR 1.183 PETITION TO WAIVE PORTION OF THE IDS RULES

FILE A REDUCED SET OF REFERENCES

BEST AVAILABLE COPY

17 JUL 2003
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Jesse A. Hirshman
Kilpatrick & Lockhart LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh PA 15222-2312

In re Application of
FROST et al.
Application No.: 10/399,631
PCT No.: PCT/US01/12467
Int. Filing Date: 12 April 2001
Priority Date: 27 April 2000
Attorney Docket No.: TWC-1866PCTUS
For: FLUID SEPARATION ASSEMBLY AND FLUID SEPARATION MODULE

DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" filed 21 April 2003 which was accompanied, inter alia, by: a transmittal letter requesting entry into the national stage in the United States, a copy of the international application; an executed declaration; and the present petition under 37 CFR 1.137(b) accompanied by the requisite petition fee.

DISCUSSION

A. Petition to Revive under 37 CFR 1.137(b)

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition 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 $720.00

As to Item (2), the appropriate petition fee of $1300.00 as required by 37 CFR 1.17(m) was submitted.

With regard to Item (3), applicant's statement that "entire delay in filing the 35 U.S.C. 371(c) requirement from their due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

B. Defective Declaration

The declaration submitted on 21 April 2003 is not in compliance with 37 CFR 1.497(a)-(b). Applicants state the "declaration is from (the) priority application, which is identical to the present application."

The text of 37 CFR 1.63(d) is reproduced, in part, below:

> (d)(1) A newly executed oath or declaration is not required under § 1.51(b)(2) and §1.53(f) in a continuation or divisional application, provided that:
> (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
> (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
> (iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
> (iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.
>
> * * * * *
>
> (5) A newly executed oath or declaration must be filed in a continuation or divisional application naming an inventor not named in the prior application.

The above quoted regulation does not apply to national stage applications. The regulation only refers to applications filed under 35 U.S.C. 111(a). The regulation is directed toward applications filed under 37 CFR 1.51(b)(2) and 37 CFR 1.53(f). Applications filed under these sections are regarded as applications filed under 35 U.S.C. 111(a) and not the submission of papers under 35 U.S.C. 371. The regulation governing submissions under 35 U.S.C. 371 are contained in 37 CFR 1.494 and 1.495.

Additionally, 37 CFR 1.63(d) refers to continuations or divisional applications. The instant application does not claim to be either a divisional or a continuation application as required by 37 CFR 1.63(d)(1).

For the above reasons, the copies of the declarations do not comply with 35 U.S.C. 371(c) (4) and 37 CFR 1.497(a) and (b). Accordingly, applicants are required to file

a newly executed declaration directed to international application PCT/US01/12467 filed 12 April 2001.

CONCLUSION

Applicant's petition to revive under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration along with the $130 surcharge for filing the oath or declaration after the thirty-month period is required.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
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Facsimile: (703) 308-6459

#2

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Walter J. Steinkraus
Vidas, Arrett & Steinkraus
Suite 2000
6109 Blue Circle Drive
Minnetonka, MN 55343-9131

In re Application of :
NOACK, Andreas :
Application No.: 10/399,636 :
PCT No.: PCT/EP01/12131 : DECISION ON REQUEST
Int. Filing Date: 19 October 2001 :
Priority Date: 19 October 2000 :
Attorney Docket No.: M67.2-11082 :
For: FLEXIBLE AND POROUS MEMBRANE AND ADSORBENTS, METHOD FOR THE PRODUCTION THEREOF

This decision is in response to the applicant's "Request to Add Inventors under 37 CFR 1.497(d)" and "Request for Refund" filed 09 October 2003. The $130 petition fee under 37 CFR 1.17(i) will be charged to Deposit Account no. 22-0350.

BACKGROUND

On 19 October 2001, applicant filed international application PCT/EP01/12131 which claimed a priority date of 19 October 2000. The international application named Andreas Noack as the sole applicant/inventor. A Demand for international preliminary examination was filed prior to 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee expired at midnight on 21 April 2003.

On 21 April 2003, applicant filed a transmittal letter for entry into the national stage accompanied by, *inter alia:* the requisite basic national fee; a copy of the international application; and a translation of the international application.

On 15 August 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 oath or declaration executed by the inventor was required and that the current English translation of the international application was defective because the text in the drawings was not properly translated.

On 09 October 2003, applicant filed a "Request for Refund" and "Request to Add Inventors under 37 CFR 1.497(d)" and a declaration executed by: Andreas Noack; Jurgen Kunstmann; Gerald Frank; Christian Gnabs; Norman Bischofberger; and Andreas Ban.

DISCUSSION

A. Request to Add Inventor under 37 CFR 1.497(d)

In the instant case, the international application named Andreas Noack as an applicant/inventor. Applicant requests to add Jurgen Kunstmann; Gerald Frank; Christian Gnabs; Norman Bischofberger and Andreas Ban as an applicant/inventor. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires:

(1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a);

(3) the fee set forth in 37 CFR 1.17(i); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied items (1), (2) and (3).

As to item (4), applicant states that "no assignment has previously been filed and that consent of assignee is not required." A review of the petition papers reveals that the above identified application has been assigned to Blue Membranes Gmbh. Therefore, applicant is required to submit a written consent of assignee to the correction in inventorship in compliance with 37 CFR 3.73(b).

B. Request for Refund

Applicant requests a refund of the $130 processing fee, under 37 CFR 1.492(f), for providing the translation later than thirty months from the priority date. As stated in the Notification of Missing Requirements dated 15 August 2003, the translation of international applicaton included foreign text in the drawings. PCT Rule 49.5(d) states, "[i]f any drawing contains text matter, the translation shall be furnished either in the form of a copy of the original drawing with the translation pasted on the original text matter or in the form of a drawing executed anew." (See also section 1893.01(a)(1) of the Manual of Patent Examining Procedure.) In this case, the translation of the international application filed on 21 April 2003 included German text on all drawing sheets, which is improper and applicant was required to a submit drawings executed anew. Therefore, the request for refund is dismissed without prejudice.

CONCLUSION

For the reasons discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The request for refund is **DISMISSED** without prejudice.

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). A proper response must include a written consent of assignee in compliance with 37 CFR 3.73(b).

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
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Office of PCT Legal Administration
Tel: (703) 308-6314
Fax: (703) 308-6459

15 NOV 2004

#9

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Walter J. Steinkraus
Vidas, Arrett & Steinkraus
Suite 2000
6109 Blue Circle Drive
Minnetonka, MN 55343-9131

In re Application of :
NOACK, Andreas :
Application No.: 10/399,636 :
PCT No.: PCT/EP01/12131 : DECISION ON REQUEST
Int. Filing Date: 19 October 2001 :
Priority Date: 19 October 2000 :
Attorney Docket No.: M67.2-11082 :
For: FLEXIBLE AND POROUS MEMBRANE AND ADSORBENTS, METHOD FOR THE PRODUCTION THEREOF

This decision is in response to the applicant's "Request for Reconsideration for Petition" which is being treated as a renewed request under 37 CFR 1.497(d) filed 23 August 2004.

BACKGROUND

On 19 October 2001, applicant filed international application PCT/EP01/12131 which claimed a priority date of 19 October 2000. The international application named Andreas Noack as the sole applicant/inventor. A Demand for international preliminary examination was filed prior to 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee expired at midnight on 21 April 2003.

On 21 April 2003, applicant filed a transmittal letter for entry into the national stage accompanied by, *inter alia:* the requisite basic national fee; a copy of the international application; and a translation of the international application.

On 15 August 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 oath or declaration executed by the inventor was required and that the current English translation of the international application was defective because the text in the drawings was not properly translated.

On 09 October 2003, applicant filed a "Request for Refund" and "Request to Add Inventors under 37 CFR 1.497(d)" and a declaration executed by: Andreas Noack; Jurgen Kunstmann; Gerald Frank; Christian Gnabs; Norman Bischofberger; and Andreas Ban. In a decision dated 20 May 2004, applicants "Request for Refund" and "Request to Add Inventors under 37 CFR 1.497(d)" were dismissed without prejudice.

On 23 August 2004, applicant filed "Request for Reconsideration for Petition."

DISCUSSION

In the instant case, the international application named Andreas Noack as an applicant/inventor. Applicant requests to add Jurgen Kunstmann; Gerald Frank; Christian Gnabs; Norman Bischofberger and Andreas Ban as an applicant/inventor. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17(i); and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied items (1), (2), (3) and (4).

CONCLUSION

The renewed request under 37 CFR 1.497(d) is **GRANTED**.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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MERCHANT AND GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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APR 30 2007

OFFICE OF PETITIONS

In re Application of	:	
Gerald Franis Watts, et al	:	
Application No. 10/399,639	:	DECISION ON PETITION
Filed: April 17, 2003	:	TO WITHDRAW
Attorney Docket No. 111123.659USWO	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 22, 2007.

The request is **APPROVED**.

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

Sarah M. Monfeldt has been withdrawn as attorney of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

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TERADYNE, INC.
321 HARRISON AE.
BOSTON MA 02118

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JAN 3 1 2006

OFFICE OF PETITIONS

In re Application of :
Frank R. Bauer et al :
Application No. 10/399,641 : ON PETITION
Filed: July 30, 2003 :
Attorney Docket No. 1469-US :

This is a decision on the petition under 37 CFR 1.137(b), filed August 29, 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 12, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 13, 2005.

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

This matter is being referred to Patent Publication.

Karen Creasy

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

04 NOV 2003

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#5

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ALEXANDRIA, VA 22313-1450
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NIXON & VANDERHYE
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714

In re Application of:	:	
WATSON, Christopher, David, et al.	:	
U.S. Application No.: 10/399,654	:	DECISION
PCT No.: PCT/GB01/04570	:	
International Filing Date: 15 October 2001	:	
Priority Date: 19 October 2000	:	
Attorney's Docket No.: 124-1028	:	
For: FREQUENCY SYNTHESIZER	:	

This decision is issued in response to applicants' "Response To Notification Of Missing Requirements" filed 02 October 2003, which has been treated as a petition under 37 CFR 1.181 to confirm the filing of an executed declaration on 29 May 2003. No petition fee is required.

BACKGROUND

On 15 October 2001, applicants filed international application PCT/GB01/04570 which claimed a priority date of 19 October 2000 and which designated the United States. On 25 April 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., 21 April 2003 (19 April 2003 was a Saturday).

On 21 April 2003, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment for the basic national fee.

On 07 August 2003, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 02 October 2003, applicants filed the Response considered herein. The Response asserts that applicants filed an executed declaration on 29 May 2003, prior to the mailing of the Notification Of Missing Requirements. Included with the present submission is a copy of the declaration and a return postcard that identifies the present application, itemizes the declaration, and bears a USPTO receipt stamp dated 29 May 2003.

DISCUSSION

Based on applicants' statements and the stamped return postcard, it is concluded that the declaration included with the present Response was originally filed on 29 May 2003. The Notification Of Missing Requirements mailed 07 August 2003, based as it was on applicants' purported failure to file an oath or declaration, is therefore appropriately vacated.

The declaration filed on 29 May 2003 is in compliance with the requirements of 37 CFR 1.497.

CONCLUSION

Applicants' petition is **GRANTED**. The declaration accompanying the present submission will be treated as having been filed on 29 May 2003.

The Notification Of Missing Requirements mailed 07 August 2003 is hereby **VACATED**.

The declaration filed by applicant on 29 May 2003 is accepted in compliance with 37 CFR 1.497.

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 35 U.S.C. 371(c) date is 29 May 2003.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

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Martin A Farber
866 United Nations Plaza
Suite 473
New York NY 10017

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OFFICE OF PETITIONS

In re Application of :
KRENZER et al :
Application No.: 10/399,671 : DECISION ON PETITION
Filing Date: April 18, 2003 : UNDER 37 CFR 1.137(B)
Attorney Docket No.: 1.21531RR :

This is a decision on the petition under 37 CFR 1.137(b), filed August 14, 2006, 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 April 12, 2006, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on July 12, 2006.

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

This application is being referred to the Office of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3301.

Daniel Stemmer
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy

#4

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21 AUG 2003

Nath & Associates, PLLC
Sixth Floor
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Washington, DC 20005

In re Application of :
Gutterer :
US Application No.: 10/399,689 :
PCT Application No.: PCT/EP01/12808 :
International Filing Date: 06 November 2001 :
Priority Date: 10 November 2000 : DECISION ON PETITION
Attorney's Docket No.: 25396 : UNDER 37 CFR 1.181
For: PROCESS FOR THE PRODUCTION OF 16,17-[(CYCLOHEXYLMETHYLEN)BIS (OXY)]-11,21-DIHYDROXY-PREGNA-1,4-DIEN-3,20-DION OR ITS 21-ISOBUTYRAT BY TRANSKETALISATION :

This decision is in response to the correspondence captioned "Submission of Missing Parts" filed on 04 August 2003 along with a "Declaration for Patent Application." The correspondence is being treated as a petition under 37 CFR 1.181, requesting acceptance of the above-referenced international application into the national stage in the United States. The petition is **DISMISSED** as follows.

BACKGROUND

On 06 November 2001, Applicant filed international application PCT/EP01/12808, which claimed priority of an earlier application filed on 10 November 2000. A copy of the international application, in German, was communicated from the International Bureau to the USPTO on 16 May 2002. The period for paying the basic national fee is 30 months and ended at midnight on 10 May 2003.

On 22 April 2003, Applicant filed a transmittal letter for entry into the national stage in the United States (Form PTO-1390) accompanied by, *inter alia*, the $900 basic national fee required by 35 U.S.C. 371(c)(1) and 37 CFR 1.492(a)(5), and an unexecuted declaration.

On 01 July 2003, a "Notification of Missing Requirements under 37 CFR 371 in the United States Designated/Elected Office (DO/EO/US)" (Form PCT/DO/EO/905) was mailed, stating that an oath or declaration in compliance with 37 CFR 1497(a) and (b) was missing, and requesting submission of a proper oath or declaration within 2 months of the mailing date of the

Notification of Missing Requirements, or 32 months from the priority date, whichever was later. The instant petition was timely filed on 04 August 2003.

DISCUSSION

The declaration submitted with the instant petition lists the sole inventor as "Dr. Beate Schmidt" while the Inventor/Applicant identified in the published international application is "Beate GUTTERER." Even though "GUTTERER" apparently, as indicated in the declaration, is the inventor's maiden name, merely using the new name in a declaration is not an acceptable means for changing an inventor's name in a U.S. patent application.

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, accompanied by 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.

The "Declaration for Patent Application" submitted with the petition has the wording "name before marriage: Gutterer" included in parenthesis after the inventor's new name "Dr. Beate Schmidt." This is not the same as an affidavit signed by this inventor, setting forth the procedure whereby the name change was effected

CONCLUSION

In view of the above, the petition is **DISMISSED**, in that, the declaration is unacceptable as filed on 04 August 2003, and the application is not entitled to a 35 U.S.C. 371 date as of 04 August 2003.

However, Applicant's claim for priority is acknowledged. The application has an international filing date of 06 November 2001 under 35 U.S.C. 363.

To avoid abandonment of the international application as to the United States, a petition under 37 CFR 1.182 requesting a proper name change for the inventor, as delineated above, must be filed within **ONE MONTH** of the mailing date of this decision. No extensions to this time period are available. However, should additional time be required, the 2-month period set in the Notification of Missing Requirements mailed on 01 July 2003 may be extended 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
PO Box 1450
Alexandria, VA 22313-1450

Richard Cole
PCT Legal Examiner
PCT Legal Office

RC Tang
Petitions Attorney
PCT Legal Office
Telephone: 703-308-1315
Facsimile: 703-308-6459

31 MAR 2004

A-6

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United States Patent and Trademark Office
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Gary M. Nath
Nath & Associates, PLLC
Sixth Floor
1030 15th Street, N.W.
Washington, DC 20005

In re Application of :
Gutterer :
US Application No.: 10/399,689 :
PCT Application No.: PCT/EP01/12808 :
International Filing Date: 06 November 2001 :
Priority Date: 10 November 2000 : DECISION ON PETITION
Attorney's Docket No.: 25396 : UNDER 37 CFR 1.182
For: PROCESS FOR THE PRODUCTION OF 16,17-[(CYCLOHEXYLMETHYLEN)BIS (OXY)]-11,21-DIHYDROXY-PREGNA-1,4-DIEN-3,20-DION OR ITS 21-ISOBUTYRAT BY TRANSKETALISATION :

This decision is in response to the "Petition Under 37 CFR § 1.182 For Change of Name of Inventor" filed on 11 September 2003. The petition is **GRANTED** as follows.

BACKGROUND

On 06 November 2001, Applicant filed international application PCT/EP01/12808, which claimed priority of an earlier application filed on 10 November 2000. A copy of the international application, in German, was communicated from the International Bureau to the USPTO on 16 May 2002. The period for paying the basic national fee is 30 months and ended at midnight on 10 May 2003.

On 22 April 2003, Applicant filed a transmittal letter for entry into the national stage in the United States (Form PTO-1390) accompanied by, *inter alia*, the $900 basic national fee required by 35 U.S.C. 371(c)(1) and 37 CFR 1.492(a)(5), and an unexecuted declaration.

On 01 July 2003, a "Notification of Missing Requirements under 37 CFR 371 in the United States Designated/Elected Office (DO/EO/US)" (Form PCT/DO/EO/905) was mailed, stating that an oath or declaration in compliance with 37 CFR 1497(a) and (b) was missing, and requesting submission of a proper oath or declaration within 2 months of the mailing date of the Notification of Missing Requirements, or 32 months from the priority date, whichever was later.

On 04 August 2003, Applicant filed a signed declaration in response to Form PCT/DO/EO/905. In the space designated for the "Full name of sole or first inventor," the declaration lists the name "Dr. Beate Schmidt" followed by the language "(name before marriage: Gutterer)."

On 21 August 2003, the PCT Legal Office of the USPTO mailed out a "Decision on Petition Under 1.181." The decision stated that the correspondence filed by Applicant on 04 August 2003 was being treated as a petition under 37 CFR 1.181 requesting acceptence of the international application into the national stage of the United States. The petition was dismissed because the declaration was unacceptable due to the fact that the inventor's name in the declaration did not match the name in the publication of the international application. The decision explained that in order for the name listed on the declaration to be acceptable, applicant was required to follow the procedure set forth in MPEP 605.05(c), which requires submission of, *inter alia*, a petition under 37 CFR 1.182 requesting acknowledgement of a legal name change. The decision set a one-month time period for Applicant to file the submissions required by MPEP 605.05(c).

On 21 March 2004, Applicant informed the PCT Legal Office by telephone that all of the requirements of MPEP 605.05(c) were filed on 11 September 2003 and inquired as to why no response had yet been received. Applicant was informed that the file wrapper did not contain any papers that were submitted on 11 September 2003. Applicant was advised to resend all the documents filed on 21 August 2003 by facsimile, along with a copy of the postcard receipt evidencing that these documents were actually filed on 21 August 2003 and a statement by an attorney or agent of record certifying that the documents being sent are true copies of the documents originally sent on that date.

On 23 March 2004, Applicant faxed in the documents, along with the postcard receipt and certification. The documents include a petition under 37 CFR 1.182, an "Affidavit of Name Change," and a photocopy of a check in the amount $130.00 that bears the same check number that is listed on the postcard receipt.

DISCUSSION

As mentioned above, on 23 March 2004, Applicant submitted a petition under 37 CFR 1.182, an "Affidavit of Name Change," a photocopy of a check in the amount of $130.00, and a postcard receipt that lists these three items. The submission is being treated as a petition under 37 CFR 1.181 requesting that the items submitted on 23 March 2004 be treated as if they were submitted on 11 September 2003. The postcard receipt has a PTO date stamp dated 11 September 2003. The check number on the photocopied check matches the check number listed on the postcard receipt, and the check bears a date that is prior to 11 September 2003. Applicant's 23 March 2004 submission further includes a certification signed by an attorney of

record stating that the items submitted are true copies of items originally submitted on 11 September 2003. In view of this evidence, it is concluded that the aforementioned petition, affidavit, and check were received on 11 September 2003.

Under MPEP 605.04(c), 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, accompanied by the requisite fee and (1) an affidavit signed with both names and setting forth the procedure whereby the name change was effected; or (2) a certified copy of the court order effecting the name change.

The affidavit filed on 11 September 2003 states, "The below signing inventor attests to a change of name from Beate GUTTERER to Beate SCHMIDT due to marriage on 12 April 2002 in the city of Allensbach under the laws of the country of Germany." Therefore, the affidavit adequately sets forth the procedure whereby the name change was effected—"[by] marriage . . . under the laws of Germany." The affidavit is signed with both names of the inventor.

The affidavit is accompanied by a petition under 37 CFR 1.182 requesting acknowledgment of the name change and a photocopy of a $130.00 check. It appears that the USPTO never deposited the check submitted on 11 September 2003. Therefore, $130.00 has been charged to Deposit Account 14-0112, as authorized by the "Transmittal Letter" filed 22 April 2003.

All of the requirements of MPEP 605.04(c) have thus been met.

CONCLUSION

In view of the above, the petition is **GRANTED**. Because the inventor's use of the name "Dr. Beate Schmidt" on her declaration is now acceptable, the declaration filed on 04 August 2003 is acceptable.

The application has an international filing date of 06 November 2001 under 35 U.S.C. 363 and a date of 04 August 2003 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

Ankur Parekh
Detailee
PCT Legal Office
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Facsimile: 703-308-6459

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Cooper & Dunham
1185 Avenue of the Americas
New York NY 10036

COPY MAILED
DEC 2 9 2006
OFFICE OF PETITIONS

In re Application of :
Nygaard :
Application No. 10/399,720 : ON PETITION
Filed: October 15, 2003 :
Attorney Docket No. 1175/69278 :

This is a decision on the petition under 37 CFR 1.181, filed December 11, 2006 (certificate of mailing date December 7, 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 final Office action, mailed February 10, 2006, which set forth an extendable three (3) month period for reply. The Office contended that this application became abandoned on May 11, 2006 for failure to reply to the February 10, 2006 final Office action. A Notice of Abandonment was mailed on August 17, 2006.

Petitioner requests withdrawal of the holding of abandonment based on the assertion that a request for a three month extension of time, amendment, and Notice of Appeal were timely mailed on certificate of mailing date August 10, 2006 and received in the Office on August 14, 2006. The undersigned finds this argument completely convincing, as these documents are present in the application file and Office financial records shows that the required three month extension of time fee and Notice of Appeal fee were charged on August 15, 2006. The mailroom dates for the payments were erroneously listed as August 14, 2006. The extension of time, amendment, and Notice of Appeal all contain proper certificate of mailings listing August 10, 2006 as the date of deposit. Therefore, the three month extension of time, amendment, and Notice of Appeal were timely filed.

Office financial records will be changed to show that the three month extension of time and the Notice of Appeal fee have a mailroom date of August 10, 2006.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the August 17, 2006 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. 3737 for consideration of the amendment after final and the Notice of Appeal filed on August 14, 2006 (certificate of mailing date August 10, 2006).

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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26 SEP 2003

Howison & Arnott
P O Box 741715
Dallas TX 75374-1715

In re Application of	:	
Malcolm G. Lawrence	:	
Application Serial No.: 10/399,721	:	
PCT No.: PCT/GB01/00975	:	DECISION ON PETITION UNDER
Intl. Filing Date: 7 March 2001	:	
Priority Date: 7 March 2000	:	37 CFR 1.137(b)
Attorney's Docket No.: MALC-26,341	:	
For: INTRUDER ALARM	:	

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED APPLICATION", filed 17 April 2003.

BACKGROUND

On 7 March 2001, applicant filed international Application PCT/GB01/00975 which claimed priority to an earlier British application filed on 7 March 2000. A demand for international preliminary examination, in which the United States was elected, was filed on 10 August 2001 within nineteen months of the international filing date . Accordingly, pursuant to 37 CFR 1.495, the thirty month period for paying the basic national fee expired at midnight 7 September 2002.

On 17 April 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), a copy of the international application, an executed oath or declaration, and the instant petition fee.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be filed promptly after applicant becomes aware of the abandonment and must be

accompanied by: (1) the required reply, unless previously filed, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional and (4) a terminal disclaimer (for applications filed before 8 June 1995).

As to item (1), the petition is accompanied by the required reply in the form of a check for the basic national filing fee

As to item (2), the petition is accompanied by the required petition fee.

As to item (3), the petition is accompanied by applicants' 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."

As to item (4), a terminal disclaimer is not required in the present case.

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.

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

Deposit account 20-0780 will be charged $65.00 for the filing of the oath or declaration after twenty or thirty months from the priority date.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the present application, including according the present application a 35 USC 371 (c) date of 17 April 2003.

Richard Cole
PCT Legal Examiner
PCT Legal Office

Kenya A. McLaughlin
PCT Legal Office Detailee
PCT Legal Office

Telephone: (703) 305-0010
Facsimile: (703) 308-6459

10 MAR 2005

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Thomas Galgano
Galgano & Burke
300 Rabro Drive, Suite 135
Hauppauge, New York 11788

In re Application of	:	
DYE et al.	:	
U.S. Application No.: 10/399,722	:	
PCT No.: PCT/GB01/04646	:	DECISION ON PETITION
Int. Filing Date: 18 October 2001	:	UNDER 37 CFR 1.47(a)
Priority Date: 19 October 2000	:	
Attorney Docket No.: 1708-2	:	
For: FUEL INJECTION ASSEMBLY	:	

This decision is in response to applicants' "Petition to File Application with Alleged Joint Inventor who Refuses to Sign" filed 18 March 2004, which is being treated as a petition under 37 CFR 1.47(a) to accept the application without the signature of joint-inventor, Mark Schofield.

BACKGROUND

On 18 October 2001, applicants filed international application PCT/GB01/04646 which claimed a priority date of 19 October 2000. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 25 April 2002. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 19 April 2003.

On 17 April 2003, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 14 August 2003, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 January 2004, applicants filed a declaration and power of attorney executed by three of the four joint-inventors.

On 18 February 2004, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF ACCEPTÁNCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 16 January 2004.

On 16 March 2004, applicants filed a Petition under 37 CFR 1.47(a).

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 behalf of the non-signing joint inventor. Items (1), (3) and(4) have been satisfied.

Regarding item (2) above, petitioner states that Mark Schofield has refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of 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.

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the application papers (specification, claims, and drawings) to Mark Schofield. The Declarations of Ian Bishop states, "[o]n March 2004, I sent by certified mail-return receipt requested a copy of the application to the non-signing

inventor. . ." However, no documentary evidence to support the refusal or the attempt was provided with Mr.Bishop's declaration. As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Mark Schofield, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Mark Schofield under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

The Notification of Acceptance of Application mailed 18 February 2004 is hereby **VACATED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

01 AUG 2005

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Thomas Galgano
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Hauppauge, New York 11788

In re Application of	:	
DYE et al.	:	
U.S. Application No.: 10/399,722	:	
PCT No.: PCT/GB01/04646	:	DECISION ON PETITION
Int. Filing Date: 18 October 2001	:	UNDER 37 CFR 1.47(a)
Priority Date: 19 October 2000	:	
Attorney Docket No.: 1708-2	:	
For: FUEL INJECTION ASSEMBLY	:	

This decision is in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 12 May 2005, to accept the application without the signature of joint-inventor, Mark Schofield.

BACKGROUND

On 18 October 2001, applicants filed international application PCT/GB01/04646 which claimed a priority date of 19 October 2000. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 25 April 2002. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 19 April 2003.

On 17 April 2003, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 14 August 2003, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 January 2004, applicants filed a declaration and power of attorney executed by three of the four joint-inventors.

On 18 February 2004, the United States Designated/Elected Office (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) which set forth a 35 U.S.C. 371 completion date of 16 January 2004.

On 16 March 2004, applicants filed a Petition under 37 CFR 1.47(a). In a decision dated 10 March 2005, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 12 May 2005, applicants filed "Renewed Petition under 37 CFR 1.47(a)."

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 behalf of the non-signing joint inventor. Items (1), (3) and(4) have been satisfied.

A review of the present petition and the accompanying papers reveal that applicants have satisfied item (2), in that the applicants have shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Mark Schofield. The steps taken are sufficient to show that Mark Schofield has refused to execute the application.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

CONCLUSION

The renewed petition under 37 CFR 1.47(a) 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 18 February 2004 has been reinstated.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

01 AUG 2005

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Mark Schofield
Jubliee Place Heath Road
Woolpit
Bury Street Edmunds
Suffolk IP30 9RU
Great Britain

In re Application of
DYE et al.
U.S. Application No.: 10/399,722
PCT No.: PCT/GB01/04646
Int. Filing Date: 18 October 2001
Priority Date: 19 October 2000
Attorney Docket No.: 1708-2
For: FUEL INJECTION ASSEMBLY

Dear Mr. Schofield:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

Counsel of Record:
Thomas Galgano
Galgano & Burke
300 Rabro Drive, Suite 135
Hauppauge, New York 11788

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-23-08

TO SPE OF : ART UNIT 4700

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/399736 Patent No.: 7196148

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

Should Req. be granted?

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

Thank You For Your Assistance

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

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

Comments: PTA is correct; see issue notification mailed 3/7/07

rvv Mark Polutta
SPE

OPLA
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO: 7,196,148
APPLICATION: 10/399,736
ISSUE DATE: March 27, 2007
INVENTOR(S) : George A. Vaughan

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 or Rule 1.233.

Title page, item "Notice: Patent Term Adjustment is correct; See issue notification mailed 3/7/07.

Therefore, your request is hereby denied.

Eva James
For Mary Diggs
Certificate of Correction Branch
(703) 308-9390 Ext. 124 or 125

ExxonMobil Chemical company
Law technology Chemical Company
P.O. Box 2149
Baytown, Texas 77522-2149

18 MAR 2004

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18 MAR 2004

#5

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

In re Application of	:	DECISION ON
KREUTER	:	
Application No.: 10/399,741	:	PETITION UNDER
PCT No.: PCT/EP01/12186	:	
Int. Filing Date: 22 October 2001	:	37 CFR § 1.47(b)
Priority Date: 20 October 2000	:	
Attorney Docket No.: 2968.248USWO	:	
For: TESTING METHOD	:	

This is a decision on applicant's "PETITION UNDER 37 CFR §1.47(b)" filed in the United States Patent and Trademark Office (USPTO) on 14 January 2004.

BACKGROUND

On 22 October 2001, applicants filed international application PCT/EP01/12186, which claimed a priority date of 20 October 2000. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 25 April 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 April 2003 (20 April 2003 being a Sunday).

On 18 April 2003, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and an unexecuted declaration of the inventor.

On 14 July 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, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for reply.

On 14 January 2004, applicants submitted the instant petition under 37 CFR 1.47(b), which was accompanied by, *inter alia*: a petition/fee for a four-month extension of time; a declaration of inventor executed by Dennis J. Warwick as representative of the non-signing inventor; a declaration of facts from Andrea Snook; a UPS shipping label listing Mr. Kreuter as the shipper; a UPS tracking report; a copy of a translated redacted employment contract between

Mr. Kreuter and DataCard Deutschland Gmbh of Dusseldorf Germany (hereinafter "DC Germany"); a declaration of the inventor signed by Dennis J. Warwick; an authorization from a Secretary of DataCard Corporation of Minnetonka, Minnesota (hereinafter "DCC") for Dennis J. Warwick to sign on behalf of DCC.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (3), (4), and (6) have been met.

Item (2) has not been met. Copies of the application papers were sent to Mr. Kreuter at his last known address on 31 July 2003. The declaration of Andrea Snook states that Mr. Kreuter received these papers on 04 August 2003 and a copy of a UPS tracking report is provided as evidence. However, it is not clear that the UPS tracking report provided is for the correspondence mailed 31 July 2003 referred to in the declaration of Andrea Snook. For example, there is no indication that the tracking number on the UPS tracking report corresponds to the tracking number of the correspondence mailed 31 July 2003. Also, as of the date of the filing of the petition, Mr. Kreuter had not responded to the 31 July 2003 communication. However, there does not appear to have been any follow-up, either by letter or by phone, with Mr. Kreuter regarding the 31 July 2003 communication. Mr. Kreuter could have received the documents and simply forgotten about them. Although Mr. Kreuter was terminated on or about 25 April 2003 and has since sued DataCard Corporation over his termination of employment, follow-up to the 31 July 2003 communication is still required to establish a refusal to sign.

Item (5) has not been met. Translated and redacted copies of pages 1, 6, and 8 of an employment agreement between Mr. Kreuter and DC Germany have been provided. However, the translation is unsigned. A copy of the untranslated agreement has not been provided, nor has any other evidence that Mr. Kreuter actually signed the agreement. Also, it is not clear from the redacted translation whether there are any conditions on the assignment of employees' inventions besides being made during the term of employment; for example, the invention must have been made in the course of the normal duties of the employee. Additionally, when an employee agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant. See MPEP § 409.03(f).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required.

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.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (703) 308-2066
Facsimile: (703) 308-6459

#7

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In re Application of	:	DECISION ON
KREUTER	:	
Application No.: 10/399,741	:	PETITION UNDER
PCT No.: PCT/EP01/12186	:	
Int. Filing Date: 22 October 2001	:	37 CFR § 1.47(b)
Priority Date: 20 October 2000	:	
Attorney Docket No.: 2968.248USWO	:	
For: TESTING METHOD	:	

This is a decision on applicant's "RENEWED PETITION UNDER 37 CFR 1.47(b)" filed in the United States Patent and Trademark Office (USPTO) on 18 August 2004.

BACKGROUND

On 22 October 2001, applicants filed international application PCT/EP01/12186, which claimed a priority date of 20 October 2000. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 25 April 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 April 2003 (20 April 2003 being a Sunday).

On 18 April 2003, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and an unexecuted declaration of the inventor.

On 14 July 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, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for reply.

On 14 January 2004, applicants submitted a petition under 37 CFR 1.47(b), which was accompanied by, *inter alia*: a petition/fee for a four-month extension of time; a declaration of inventor executed by Dennis J. Warwick as representative of the non-signing inventor; a declaration of facts from Andrea Snook; a UPS shipping label listing Mr. Kreuter as the shipper; a UPS tracking report; a copy of a translated redacted employment contract between Mr. Kreuter

and DataCard Deutschland Gmbh of Dusseldorf Germany (hereinafter "DC Germany"); a declaration of the inventor signed by Dennis J. Warwick; an authorization from a Secretary of DataCard Corporation of Minnetonka, Minnesota (hereinafter "DCC") for Dennis J. Warwick to sign on behalf of DCC.

On 18 March 2004, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(b) without prejudice. Specifically, it was noted that applicants had not provided sufficient factual proof that the inventor could not be reached after diligent effort and that applicants had not provided sufficient proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application.

On 18 August 2004, applicants submitted the instant "RENEWED PETITION UNDER 37 CFR 1.47(b)", which was accompanied by, inter alia, a petition/fee for a three month extension of time, a copy of a letter dated 20 May 2004 sent to Mr. Kreuter, a copy of a letter and an English translation of this letter from German counsel representing Mr. Kreuter dated 02 June 2004, a copy of a letter and an English translation of this letter from German counsel representing Mr. Kreuter dated 07 August 2003, a copy of a redacted German employment agreement signed by Mr. Kreuter, a redacted copy of a portion of an amended employment agreement executed on 01 May 1999, a declaration by James A. Larson, a declaration of facts by Heiner Bohnsack, and a memorandum from German counsel regarding ownership of the invention.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

As noted in the decision mailed 18 March 2004, items (1), (3), (4), and (6) have been met.

Item (2) has now been satisfied. The translations of the letters from German counsel representing Mr. Kreuter date 07 August 2003 and 02 June 2004 establish that Mr. Kreuter refuses to execute the application.

Item 5 has been satisfied by the legal memorandum from German counsel submitted 18 August 2004.

CONCLUSION

For the above reasons, applicants' renewed petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **14 January 2004**.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

10 JAN 2005

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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Rudiger G. Kreuter
Heinrich-Delp Str. 290
64297 Darmstadt
Germany

In re Application of
KREUTER
Application No.: 10/399,741
PCT No.: PCT/EP01/12186
Int. Filing Date: 22 October 2001
Priority Date: 20 October 2000
Attorney Docket No.: 2968.248USWO
For: TESTING METHOD

Dear Mr. Kreuter:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) 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. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

AUG - 9 2005

In re Application of: Nakagawa et al	:	
Application No. 10/399,755	:	NOTICE OF WITHDRAWAL
Filed: April 22, 2003	:	FROM ISSUE
Attorney Docket No. 60188-327	:	UNDER 37 CFR ∋ 1.313
	:	

The purpose of this communication is to inform you that the above identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The above-identified application is hereby withdrawn from issue. The Notice of Allowance and Issue Fee Due and the Notice of Allowability mailed May 19, 2005, are hereby vacated.

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

The issue fee is refundable upon request. However, the applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, the applicant may request either a refund or a credit to a Deposit Account.

Telephone inquires should be directed to Michael S. Lebentritt, Supervisory Patent Examiner, at (571) 272-1873.

The above-identified application is being forwarded to the examiner for prompt appropriate action.

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

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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td

Mailed: 2-8-06

In re application of :
Haoqing Hou et al. : DECISION ON
Serial No. 10/399,783 : PETITION
Filed: April 28, 2003 :
For: ORIENTED MESOTUBULAR AND NANOTUBULAR NON-WOVENS

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION mailed September 7, 2005.

On March 31, 2005, a non-final office action was mailed to applicant rejecting the claims under 35 USC 102 and 103. A reply to the office action was filed by applicants on June 14, 2005. In the reply, applicants made various amendments to the claims. Independent claim 1 was rewritten as claim 50. A final office action was mailed by the office on September 7, 2005 containing new grounds of rejection under 35 USC 102, 103 and various obviousness-type double patenting rejections.

On November 1, 2005 the instant petition under 37 CFR 1.181 was timely filed to formally request the withdrawal of finality of the September 7, 2005 office action.

Petitioner's position for the withdrawal of the finality is that the new grounds of rejection in the final office action were not necessitated by applicant's amendments to the claims.

DECISION

Section 706.07 of the MPEP states:

706.07(a) Final Rejection, When Proper on Second Action

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Petitioner argues that because independent claim 50 is directed to an identical scope of original claim 1, the new grounds of rejection were not necessitated by amendment as alleged by the examiner. This argument is persuasive. The newly presented rejections would have been at least equally applicable to the claims treated in the first action. In addition, the examiner has introduced several new grounds of rejection based on obviousness-type double patenting. These rejections were available to the examiner in the first office action and should have been made prior to the final rejection.

Accordingly, the petition for withdrawal of finality is **GRANTED.** Because the finality has been withdrawn, the amendment filed on December 7, 2005 will be treated as an amendment under 1.111 and will be entered. The examiner will consider the claims in light of said amendment and prepare a new office action in response to said amendment.

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

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

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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APR 30 2009

OFFICE OF PETITIONS

In re Patent No. 6,832,586 :
Issue Date: December 21, 2004 :
Application No. 10/399,794 : ON PETITION
Filed: October 9, 2003 :
Attorney Docket No. 12052-4 :

This is a decision on the petition under 37 CFR 1.378(c), filed March 19, 2009, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

This patent expired on December 21, 2008 year for failure to pay the 3 ½ year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

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.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

Cc: DANNY RUSSELL WILLIAMS
3 KAHIBAH ROAD
HIGHFIELDS, NEW CASTLE
NEW SOUTH WALES 2289 AUSTRALIA

OIPE
FEB 19 2009
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PTO/SB/66 (08-08)
Approved for use through 04/30/2009. OMB 0651-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Docket Number (Optional)

RECEIVED
MAR 06 2009
OFFICE OF PETITIONS

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6832586 Application Number 10/399,794

Issue Date DECEMBER 21, 2004 Filing Date OCTOBER 9, 2003.

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

04/30/2009 CKHLOK
02/20/2009 HDEMESS1 00000019 6832586
01 FC:1599 -2150.00 OP

Also complete the following information, if applicable

The above - identified patent:

04/30/2009 CKHLOK 00000006 6832586
01 FC:1554 1640.00 OP
02 FC:2551 490.00 OP
03 FC:1599 20.00 OP

☐ is a reissue of original Patent No. _____, original issue date _____
original application number _____
original filing date _____.

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____ filed on _____

02/20/2009 HDEMESS1 00000019 6832586
01 FC:1599 2150.00 OP

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

FEB. 16, 2009
Date

D.R. Williams.
Signature

DANNY RUSSELL WILLIAMS.
Typed or printed name of person signing Certificate

SENT BY INTERNATIONAL REGISTERED POST / AUSTRALIA POST.

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

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

1. SMALL ENTITY

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

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
☐ $ _____	3 1/2 yr fee	(1551)	☐ $ 510	3 1/2 yr fee	(2551)
☐ $ _____	7 1/2 yr fee	(1552)	☐ $ _____	7 1/2 yr fee	(2552)
☐ $ _____	11 1/2 yr fee	(1553)	☐ $ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED $ 510

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of $ 1640 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED $ 1640

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of $ 2150.

☐ Please charge Deposit Account No._____ the sum of $_____.

☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No._____.

7. OVERPAYMENT

As to any overpayment made please

☐ Credit to Deposit Account No._____.

OR

☒ Send refund check.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

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

DRWilliams — FEB. 16, 2009

Signature(s) of Petitioner(s) — Date

DANNY RUSSELL WILLIAMS — Registration Number, if applicable

Typed or printed name(s)

+61 02 49434473

Telephone Number

3 KAHIBAH ROAD, HIGHFIELDS 2289

Address

NEWCASTLE, NEW SOUTH WALES, AUSTRALIA.

Address

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

ENCLOSURES:

☒ Maintenance Fee payment

☒ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

☐ _____

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

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ROYTS INC. (OR EDWARD LOPATINSKY)
5450 COMPLEX ST. #307
SAN DIEGO CA 92123

COPY MAILED

DEC 07 2005

OFFICE OF PETITIONS

In re Application of :
Edward L. Lopatinsky et al. :
Application No. 10/399,800 : ON PETITION
Filed: April 21, 2003 :
Attorney Docket No. 02368-HG :

This is a decision on the petition filed on March 22, 2005, which is treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

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

The application was held abandoned on October 29, 2004, for failure to timely a response to the non-Final Office Action mailed July 28, 2004. A three (3) month period for reply was set. Accordingly, a Notice of Abandonment was mailed on March 10, 2005.

Petitioner asserts that a proper response in the form o f drawings, was timely filed on August 24, 2004 and points to a copy of a page from the Patent Application Information Retrieval (PAIR) system, that confirms that the response was in fact filed.

A search of the application file and the USPTO records reveals that in fact, drawings are of record having been received on August 24, 2004.

Accordingly, the Notice of Abandonment mailed on March 10, 2005, is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 3743 for treatment of the response filed August 24, 2004.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

16 JUL 2004

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DAVIS & BUJOLD, P.L.L.C.
Fourth Floor
500 North Commercial Street
Manchester, NH 03101-1151

In re Application of :
ANDRE, Jean-Luc :
Application No.: 10/399,805 :
PCT No.: PCT/FR01/03213 :
Int. Filing Date: 17 October 2001 : **DECISION**
Priority Date: 20 October 2000 :
Attorney Docket No.: METPAT P67AUS :
For: ELECTRIC MOTOR WITH ACOUSTIC :
INSULATION :

This decision is in response to applicants' "Request For Corrected Filing Receipt" filed on 19 February 2004 which is hereby **GRANTED** as follows:

The date in the filing date portion on the filing receipt of a national stage application is the date upon which applicants completed the requirements under 35 U.S.C. 371(c). *See* MPEP sections 1893.03(b), 1895.01.

A review of the above-captioned application reveals that a declaration in compliance with 37 CFR 1.497(a) and (b) was initially submitted on 13 May 2003. Applicant resubmitted the declaration on 26 June 2003 in response to 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) mailed 20 June 2003,

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) was mailed on 09 July 2003 listing a date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and a date of receipt of all 35 U.S.C. 371 requirements of "06/26/2003." This date should have been recorded as 13 May 2003.

Accordingly, the Notification of Acceptance mailed 09 July 2003 is hereby **VACATED**.

This application is being forwarded to the DO/EO/US to mail a corrected Notification of Acceptance indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and date of receipt of all 35 U.S.C. requirements of **13 May 2004**, and then mailing a corrected filing receipt indicating the correct filing date.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

17 FEB 2005

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Manchester, NH 03101-1151

In re Application of :
ANDRE, Jean-Luc :
Application No.: 10/399,805 :
PCT No.: PCT/FR01/03213 :
Int. Filing Date: 17 October 2001 : **DECISION**
Priority Date: 20 October 2000 :
Attorney Docket No.: METPAT P67AUS :
For: ELECTRIC MOTOR WITH ACOUSTIC :
INSULATION :

The decision mailed 16 July 2004 erroeneously indicated that the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and date of receipt of all 35 U.S.C. requirements was 13 May 2004.

The correct date is **13 May 2003**.

This correct date of 13 May 2003 was listed in the body of the decision. However, the last paragraph of the decision indicated the year as 2004, not 2003. This was inadvertent.

Accordingly, 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) and filing receipt mailed 20 October 2004 are both hereby **VACATED**.

This application is being forwarded to the DO/EO/US to mail a corrected Notification of Acceptance indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and date of receipt of all 35 U.S.C. requirements of **13 May 2003**.

A corrected filing receipt will be mailed with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/399,805	05/13/2003	2834	1030	METPAT P67AUS		20	1

CONFIRMATION NO. 7424

CORRECTED FILING RECEIPT

OC000000015215369

020210
DAVIS & BUJOLD, P.L.L.C.
FOURTH FLOOR
500 N. COMMERCIAL STREET
MANCHESTER, NH 03101-1151

Date Mailed: 02/17/2005

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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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)

Jean-Luc Andre, Molsheim, FRANCE;

Power of Attorney:

Michael Bujold--32018

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/FR01/03213 10/17/2001

Foreign Applications

FRANCE 00/13498 10/20/2000

If Required, Foreign Filing License Granted: 10/19/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/399,805

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Electric motor with acoustic insulation

Preliminary Class

310

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

14 JAN 200

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Mr. Wolfgang Krob
Nansengasse 18/1/18
Mödling A-2340,
Austria

In re Application of
ABRAHAM, Gerhard *et al*
U.S. Application No.: 10/399,815
PCT No.: PCT/AT01/00252
Int. Filing Date: 23 July 2001
Priority Date: 23 October 2000
Attorney Docket No.: 03872-0031US1
For: DEVICE FOR INSPECTING AND TESTING A SINGLE GLASS PANE, AN INSULATING GLASS ELEMENT OR A LAMINATED GLASS

Mr. Krob:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

Daniel A. Monaco
DRINKER BIDDLE & REATH LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996

14 JAN 2004
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#8

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Daniel A. Monaco
DRINKER BIDDLE & REATH LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996

In re Application of :
ABRAHAM, Gerhard *et al* :
U.S. Application No.: 10/399,815 :
PCT No.: PCT/AT01/00252 :
Int. Filing Date: 23 July 2001 :
Priority Date: 23 October 2000 : **DECISION**
Attorney Docket No.: 03872-0031US1 :
For: DEVICE FOR INSPECTING AND TESTING A SINGLE GLASS PANE, AN INSULATING GLASS ELEMENT OR A LAMINATED GLASS :

This decision is in response to the "Petition Under 37 C.F.R. 1.47(a) - Inventor Refuses to Sign" filed 21 November 2003.

BACKGROUND

On 11 July 2003, the United States Designated/Elected Office 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 a complete English translation, an oath/declaration in compliance with 37 CFR 1.497(a) and (b), a processing fee pursuant to 37 CFR 1.492(f) and a $130.00 surcharge fee pursuant to 37 CFR 1.492(e) must be provided. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 21 November 2003, applicants submitted the instant petition which was accompanied by, *inter alia*, a declaration signed by two of the three joint inventors; a $130.00 petition fee; a three-month extension request and $950.00 extension fee; a $130.00 surcharge fee; a $130.00 processing fee; a declaration by Ernst Hamela ("Decl."); an English translation; and authorization to charge all required fees to Deposit Account No. 50-0573.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the required petition fee; (2) factual proof that the missing joint inventor refuses to execute the application or cannot be found or reached after diligent effort; (3) a statement of the last known address of the missing joint inventor; (4) and an oath or declaration executed by

the signing joint inventor on his behalf and on behalf of the non-signing joint inventor. Applicants completed items (1) and (3).

Concerning item (1), the $130.00 petition fee has been paid.

Regarding item (2) of 37 CFR 1.47(a), applicants claim that Mr. Krob has refused to cooperate. Section 409.03(d) of the MPEP states, in part:

> 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 . . .
>
> 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 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.

Here, petitioner submitted a declaration by Ernst Hamela who claims that he "personally handed over to Mr. Krob a Declaration and Power of Attorney for the U.S. national phase of PCT/AT01/00252. Mr. Krob was also given a copy of the international patent application." Decl. at ¶ 5. Mr. Hamela states that Mr. Krob personally told him that he would not sign the declaration unless he "be compensated for losses he personally incurred in the bankruptcy of MTE." Id. at ¶ 6. Mr. Hamela attests that he "rejected Mr. Krob's terms, which led him to cancel his signature." Id. This evidence is sufficient to meet item (2) of 37 CFR 1.47(a).

With regard to item (3), applicants satisfy this requirement by listing the last known address of the nonsigning co-inventor in the declaration as:

Nansengasse 18/1/18
Mödling A-2340,

Austria

Concerning item (4) of 37 CFR 1.47(a), petitioners included a declaration signed by two of the three joint inventors. All of the joint inventors' names, residences, post office addresses and citizenship are recorded on the declaration as required by section 409.03(a) of the Manual of Patent Examining Procedure (MPEP). The declaration is also in compliance with 37 CFR 1.497(a) & (b). Item (4) is also complete.

All the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 23 July 2001 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 21 November 2003.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known address of record and will be published in the Official Gazette.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

15 MAR 2004

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Wood Phillips Katz Clark & Mortimer
Citicorp Center Suite 3800
500 West Madison Street
Chicago, IL 60661-2511

In re Application of	:	
FUJITA	:	
Application No.: 10/399,819	:	DECISION ON
PCT No.: PCT/JP01/09580	:	
Int. Filing Date: 01 November 2001	:	PETITION UNDER
Priority Date: 01 November 2000	:	
Attorney Docket No.: 01488-0016US	:	37 CFR 1.181
For: LEAD FRAME AND SEMICONDUCTOR	:	
DEVICE USING THE SAME	:	

This decision is in response to the "PETITION TO CORRECT IMPROPER ABANDONMENT" filed via facsimile transmission 09 March 2004, which has been treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 01 November 2001, applicants filed international application PCT/JP01/09580, which claimed a priority date of 01 November 2000. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 May 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 May 2003.

On 22 April 2003, applicants filed a Transmittal Letter (Form PTO-1390) for entry into the national stage under 35 U.S.C. 371 accompanied by, *inter alia*, the U.S. Basic National Fee.

On 30 June 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 a translation of the application into English and the processing fee for providing the translation later than thirty months from the priority date were required. The NOTIFICATION OF MISSING REQUIREMENTS set a two-month extendable time period.

On 19 February 2004, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS

UNDER 35 U.S.C. 371 mailed 30 June 2003.

On 09 March 2004, applicants submitted via facsimile transmission the instant "PETITION TO CORRECT IMPROPER ABANDONMENT", which was accompanied by, *inter alia*, a date-stamped postcard receipt and a translation of the application into English.

DISCUSSION

Applicants have provided sufficient evidence to establish that on 07 January 2000 applicants filed the English translation. The proof is in the form of the copy of the receipt for the above-identified application which bears a United States Patent and Trademark Office (USPTO) date stamp of 05 September 2003 and which itemizes the English translation and identifies the above-captioned docket number and application number. Further, practitioner states that the copies of the documents filed 09 March 2004 are copies of the documents originally filed 05 September 2003. Therefore, in view of the date-stamped receipt and practitioner's statement, the documents received on 09 March 2004 may properly be accepted as originally received in the USPTO on 05 September 2003. The NOTIFICATION OF ABANDONMENT mailed 19 February 2004 is hereby vacated.

The processing fee for providing the translation later than thirty months from the priority date has been paid.

DECISION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

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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SUITE 3800
500 WEST MADISON STREET
CHICAGO IL 60661

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JUN 3 0 2005

OFFICE OF PETITIONS

In re Application of :
Katsufusa Fujita :
Application No. 10/399,819 : ON PETITION
Filed: September 5, 2003 :
Attorney Docket No.: 01488-0016US

This is a decision on the petition filed June 15, 2005 under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for June 11, 2005, for failure to timely pay the issue fee on or before June 10, 2005. The instant petition and this decision on petition precede the mailing of the Notice of Abandonment.

Receipt of the issue fee, publication fee and petition fee are acknowledged.

This matter is being referred to the Publishing Division to be processed into a patent.

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

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Robert D. Fish
RUTAN & TUCKER, LLP
611 Anton Blvd, Suite 1400
Costa Mesa, CA 92626

MAILED

AUG 2 3 2005

Technology Center 2100

In re Application of:
Donette LAMSON et al.
Application No. 10/399,821
Filed: August 1, 2003
For: ONLINE INTERACTIVE IDENTIFICATION

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

This is a decision on the petition, filed on May 27, 2004, under 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

The petition is **GRANTED**.

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. § 1.17(h) and a statement under 37 C.F.R. § 1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that (A) there is an infringing device or product actually on the market or method in use; (B) a ***rigid comparison*** of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are **unquestionably infringed**: and (C) he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the prior art. Applicant must provide one copy of each of the ***references deemed most closely related*** to the subject matter encompassed by the claims.

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

The application is being forwarded to the Examiner of Record for expedited examination.

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
571-272-3613

26 AUG 2003

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I. Zborovsky
6 Schoolhouse Way
Dix Hills, N.Y. 11746

In re Application of :
KHAZANOV, Veniamin A. :
Application No.: 10/399,825 :
PCT No.: PCT/RU01/00132 :
Int. Filing Date: 02 April 2001 :
Priority Date: 05 April 2000 :
Attorney's Docket No.: None :
For: PHARMACEUTICAL COMPOSITION :
BASED ON NON-STEROID ANTI- :
INFLAMMATORY AGENT :

DECISION ON PETITION UNDER 37 CFR 1.181

The decision is in response to applicant's "Request and Petition" filed with the national stage papers on 22 April 2003 which is treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 02 April 2001, applicant filed international application PCT/RU01/00132 claiming priority to a patent application filed 05 April 2000. A copy of the international application was communicated from the International Bureau to the United States Patent and Trademark Office (USPTO) on 11 October 2001.

On 31 October 2001, a Demand was filed with the International Preliminary Examination Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date. Accordingly, the deadline for submission of a copy of the international application and payment of the basic national fee was extended to expire thirty months from the priority date.

On 30 September 2002, applicant purportedly filed the following papers: a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371; a copy of the original application; a declaration; the basic national fee; and an English translation. However, there is no record that the USPTO received or processed these papers. Moreover, a check of USPTO financial records also does not indicate that the fee purportedly filed was received and processed.

On 22 April 2003, applicants submitted the instant petition which was accompanied by, *inter alia*, copies of the documents purportedly submitted on 30 September 2002, the basic national fee, a stamped postcard receipt for the documents purportedly filed 30 September 2002, and authorization to charge any additional required fee to Deposit Account No. 26-0085.

DISCUSSION

In the instant petition, counsel ststaes that he "personally deposited in the attorney's window the above-identified new application" on 30 September 2002. This would have been prior to the expiration of 30 months from the earliest claimed priority date. However, there is no record that this application was received or processed in the USPTO. Therefore, the above-captioned application would be abandoned pursuant to 37 CFR 1.495(b)(2).

Nevertheless, MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. Applicant 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, applicant has provided a copy of the date-stamped filing receipt for documents submitted 30 September 2002. The receipt clearly identifies the application by the name of the applicant, a portion of the title and the international application number. The filing receipt indicates that the following papers were filed: (1) Transmittal Letter; (2) Original Appl.; (3) Translation; (4) Declaration; (5) Priority Form; and (6) Fee. The postcard receipt is stamped "OIPE SEP 30 2002" across its face.

Accordingly, applicant has provided *prima facie* evidence that the national stage application was originally filed on 30 September 2002.

CONCLUSION

For the reason listed above, applicants' petition under 37 CFR 1.181 is hereby **GRANTED**.

The above-captioned application has been accepted as having been received on 30 September 2002. This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457

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James B Myers Jr
Woodard Emhardt Moriarty McNett & Henry
Bank One Center/Tower Suite 3700
111 Monument Circle
Indianapolis IN 46204

8/13/09

In re Application of:
MCKAY, WILLIAM F.
Serial No.: 10/399,836
Filed: April 22, 2003
Docket: 4002-3289/PC410.06
Title: METHODS AND INSTRUMENTS FOR TREATING PSEUDOARTHROSIS

DECISION ON PETITION

This is a decision on the petition filed on August 7, 2009 seeking withdrawal of the finality of the Office action mailed June 8, 2009. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is granted.

It is noted that the record shows that at least 56 was not amended in the Rule 1.111 amendment filed on February 12, 2009. Therefore, the rejection of at least claim 56 was not necessitated by the amendment filed on February 12, 2009. As such, the finality of the Office actions issued on June 8, 2009 is premature and thus the finality of the action is hereby withdrawn. The Office action mailed on June 8, 2009 will be designated as non-final Office action. The period to respond to the Office action of June 8, 2009 remains unchanged. Since the finality is being withdrawn, an amendment responding to the Office action will be treated as a 37 CFR § 1.111 amendment.

In finding petitioner's points of argument persuasive, the requested relief is granted. The finality of the last Office action mailed June 8, 2009 is hereby withdrawn. The requested relief is granted.

Any questions regarding this decision should be directed to Special Program Examiner, Henry Yuen, at 571-272-4856.

PETITION GRANTED.

Donald T. Hajec, Director
Technology Center 3700

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TECHNOLOGY CENTER 3600

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In re Application of :
Brynley Jonathan JAMES :
Application No. 10/399,841 :
Filed: April 22, 2003 :
For: CERAMIC TILE ARMOUR :

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 March 18, 2005. The delay in deciding this petition is sincerely regretted.

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

☒ Postcard receipt being dated by the OIPE on August 26, 2004.

☐ USPTO return facsimile receipt dated _____, which references the application by serial number and the amendment that was filed on that date.

☐ Certificate of Mailing/Transmission signed on _____. and supported by a statement under 37 C.F.R. 1.8(b)(3).

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

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

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

The application will be forwarded to the Supervisory Legal Instruments Examiner to withdraw the abandonment and restore the application to pending status, before being returned to the examiner for an expeditious Action.

RAR/rjc/8/3/05

KENNETH J. DORNER
SPECIAL PROGRAMS EXAMINER
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OFFICE OF PETITIONS

In re Application of :
Brynley Jonathan James :
Application No. 10/399,841 : ON PETITION
Filed: April 22, 2003 :
Attorney Docket No. 41577/285025 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed June 30, 2009.

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

The above-identified application became abandoned for failure to timely file a proper reply to the non-final Office action mailed December 8, 2008. This Office action set a shortened statutory period for reply of three (3) months. Applicant filed a Request for Continued Examination (RCE) on June 4, 2009, made timely by obtaining a three month extension of time. However, as prosecution in the application had not closed, and the RCE was not accompanied by a reply, the RCE was not a proper reply. The Office mailed a communication to Applicant informing him of such on June 30, 2009. The Office mailed a Notice of Abandonment on September 14, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of a Notice of Appeal.

Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

The application is being forwarded to Group Art Unit 3641 to await applicant's submission of the Appeal Brief.

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

Cliff Congo
Petitions Attorney
Office of Petitions

#6

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In re Application of	:	
OTTINO et al.	:	
Application No.: 10/399,849	:	DECISION
PCT No.: PCT/IT01/00532	:	
Int. Filing Date: 22 October 2001	:	
Priority Date: 20 October 2000	:	
Attorney Docket No.: 21908-093474	:	
For: DOOR FOR A MOTOR VEHICLE	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) via facsimile transmission on 03 December 2004, which has been treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 22 October 2001, applicant filed international application PCT/IT01/00532, which designated the United States and claimed a priority date of 20 October 2000. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 25 April 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 April 2003 (20 April 2003 being a Sunday).

On 21 April 2003, applicant filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 07 August 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, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date were required. The Notification set a two-month extendable period for reply.

On 07 October 2004, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DE/EO/909) indicating that the application was abandoned as to the United States of

America for failure to reply to the NOTIFICATION OF MISSING REQUIREMENTS mailed 07 August 2003.

On 03 December 2004, applicants filed the instant submission, which has been treated as a petition under 37 CFR 1.181. The petition was accompanied by, *inter alia*, a date-stamped postcard receipt, a copy of a declaration of the inventors, and authorization to charge Deposit Account 50-1759 a one-month extension of time fee as well as the surcharge under 37 CFR 1.492(e).

DISCUSSION

Applicant has provided sufficient evidence to establish that on 29 October 2003 applicant filed a declaration of the inventors. The proof is in the form of the copy of the receipt for the above-identified application which bears a USPTO date stamp of 29 October 2003 and which itemizes the declaration and identifies the above-captioned docket number and application number. Further, practitioner states that the copy of the declaration filed 03 December 2004 is a copy of the declaration originally filed 29 October 2003. Therefore, in view of the date-stamped receipt and practitioner's statement, the declaration received on 03 December 2004 may properly be accepted as originally received in the USPTO on 29 October 2003. The NOTIFICATION OF ABANDONMENT mailed 07 October 2004 is hereby vacated.

The declaration filed 29 October 2003 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTIFICATION OF ABANDONMENT mailed 07 October 2004 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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MAR 16 2007

FOLEY AND LARDNER LLP
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In re Application of	:	
Thomas R. Reynolds et al.	:	
Serial No.: 10/399,872	:	PETITION DECISION
Filed: September 8, 2003	:	
Attorney Docket No.: 038098-0115	:	

This is in response to the petition under 37 CFR 1.144, filed August 23, 2006, requesting withdrawal of the finding of lack of unity and the examination of claim 18 *in toto*. The delay in acting upon this petition is regretted.

BACKGROUND

This application is a national stage filing under 35 USC 371 of PCT/US01/31892 and as such, is eligible for PCT unity of invention practice.

The examiner mailed to applicants on October 31, 2005; a lack of unity determination, wherein claims 1-47 were divided into sixteen groups. Claims 18-47, drawn to polynucleotides and vectors, were subjected to further restriction because each sequence was found patentably distinct.

Applicants replied on January 30, 2006, by amending claims 18, 19, 21, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43 and 45; canceling claims 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46 and 47; adding claims 48-50; and electing II (claims 18-47) without traverse. Applicants further elected a polynucleotide molecule of SEQ ID NO: 33 with traverse.

The examiner mailed to applicants on April 17, 2006, an *Ex Parte Quayle* Action, wherein the election and traversal were acknowledged. In view of the amendments to the claims to require specific combinations, the examiner called the applicant to request a selection of a single combination of nucleic acids, and applicants elected the combination of SEQ ID NOS: 33, 34, 35 and 57. Claims 1-17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 39, 41, 43, 45 and 49 were withdrawn from consideration as being drawn to a nonelected invention. The requirement was still deemed proper and was made Final. Claim 18 was objected to for minor informalities. The examiner indicated that the elected invention reading on polynucleotides of the combination of SEQ ID NOS: 33, 34, 35 and 57 (claims 18, 37, 48 and 50) was free of prior art; however, the claims were not in condition for allowance since claim 18 read upon nonelected inventions.

Applicants filed a petition on June 1, 2006, requesting withdrawal of the finding of lack of unity and the examination of claim 18 *in toto*. Applicants' arguments were basically the same as the arguments currently presented.

The examiner mailed a second *Ex Parte Quayle* Action to applicants on June 23, 2006, wherein lack of unity requirement was clarified (PCT unity of invention not US restriction practice is applicable). The examiner indicated that the petition was considered moot in view of the clarified lack of unity determination. The Quayle action mailed April 17, 2006 was vacated.

Applicants filed a response to the *Ex Parte Quayle* Action on August 23, 2006, along with this petition.

DISCUSSION

The petition and filed history have been carefully considered.

Applicants argue that (1) the examiner errs in failing to treat claim 18 as generic to a number of related species. Applicants contend that all claimed embodiments are similarly designed as each embodiment contains four member oligonucleotides—two sequences are PCR primer pairs, one is the "detection probe", and the fourth is the amplicon.

Applicants further assert that the sequence sets are linked in operation as a diagnostic tool. Applicants also argue that (2) the examiner errs in failing to consider the patentability of a "reasonable number" of species combination under *prima facie* allowable claim 18. Applicants contend that since claim 18 does not embody an improper Markush group and the elected embodiment has been found allowable, examination should be extended to a reasonable number of additional sets of polynucleotide molecules.

Applicants further argue that (3) the examiner errs in failing to apply the waiver of MPEP 803.04.

1. THE EXAMINER ERRS IN FAILING TO TREAT CLAIM 18 AS GENERIC TO A NUMBER OF RELATED SPECIES

Applicants' argument has been considered but is not persuasive. The different claimed embodiments (the sets of polynucleotide molecules) constitute different "inventions", not different "species" of a generic invention as applicants assert.

Moreover, during the national stage as a Designated or Elected Office under 35 U.S.C. 371, PCT Rule 13.1 and 13.2 will be followed when considering unity of invention of claims of different categories without regard to the practice in national applications filed under 35 U.S.C. 111. See MPEP 1850.

Claim 18 reads,

> 18. (Currently amended) A set of polynucleotide molecules for detecting the presence of HHV, said set of polynucleotide molecules is selected from a group consisting of:
>
> (1) SEQ ID NOS: 33, 34, 35 and 57;
> (2) SEQ ID NOS: 16, 17, 18 and 53;
> (3) SEQ ID NOS: 25, 26, 27 and 56;
> (4) SEQ ID NOS: 42, 43, 44 and 60;
> (5) SEQ ID NOS: 36, 37, 38 and 59;
> (6) SEQ ID NOS: 39, 40, 41 and 58;
> (7) SEQ ID NOS: 1, 2, 3 and 48;
> (8) SEQ ID NOS: 4, 5, 6 and 49;
> (9) SEQ ID NOS: 45, 46, 47 and 51;
> (10) SEQ ID NOS: 13, 14, 15 and 52;
> (11) SEQ ID NOS: 7, 8, 9 and 50;
> (12) SEQ ID NOS: 19, 20, 21 and 54;
> (13) SEQ ID NOS: 22, 23, 24 and 55; and
> (14) SEQ ID NOS: 10, 11, 12 and 51.

Applicants arguments are not commensurate in scope with the invention as claimed. Claim 18 does not require a fluorescently labeled internal detection probe.

As set forth by MPEP 1850,

> "**An international application should relate to only one invention or, if there is more than one invention, the inclusion of those inventions in one international application is only permitted if all inventions are so linked as to form a single general inventive concept (PCT Rule 13.1)**. With respect to a group of inventions claimed in an international application, **unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features**. The expression "special technical features" is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art.
>
> Whether or not any particular technical feature makes a "contribution" over the prior art, and therefore constitutes a "special technical feature," should be considered with respect to novelty and inventive step.

Applicants' argument that all claimed embodiments are similarly designed as each embodiment contains four member oligonucleotides—two sequences are PCR primer pairs, one is the "detection probe", and the fourth is the amplicon has been noted. Applicants have identified the technical feature shared by all the inventions, however this technical feature does not make a contribution over the prior art.

Kessler et al. (J. Clinical Microbiology, Vol. 38, No. 7, July 2000, pages 2638-2642) specifically teaches detection of HSV using real-time PCR. As can be clearly seen in Table 3, oligonucleotides are provided for use in real-time assay. The primers, product and probe sequence are specifically taught.

Ryncarz et al. (J. Clinical Microbiology, Vol. 37, No. 6, June 1999, pages 1941-1947) teaches a high-throughput quantitative assay for detecting HSV in clinical samples. Ryncarz teaches the primers and the probes for HSV allow for the diagnosis of HSV infection and clinical investigation. As see in Figure 1, Pyncarz teaches using PCR primers that are directed at the HSV genome, amplification to obtain an amplicon followed by introduction of a probe for detection.

Similarly, Lallemand et al. (J. Clinical Microbiology, Vol. 38, No. 4, pages 1404-1406, April 2000) teaches a quantitative analysis of HSV 8 viral load using real-time PCR assay which relies upon two PCR primers, which form an amplicon and a probe for detection.

Thus, the technical feature which links that claimed embodiments does not make a contribution over the prior art because Kessler et al, Ryncarz et al and Lallemand each individually teach primers and probes for use in diagnostics of HSV prior to the instant application.

MPEP 1850 goes on to state:

> Lack of unity of invention may be directly evident "*a priori*," that is, before considering the claims in relation to any prior art, or may only become apparent "*a posteriori*," that is, after taking the prior art into consideration. **For example, independent claims to A + X, A + Y, X + Y can be said to lack unity a priori as there is no subject matter common to all claims**. In the case of independent claims to A + X and A + Y, unity of invention is present *a priori* as A is common to both claims. However, if it can be established that A is known, there is lack of unity *a posteriori*, since A (be it a single feature or a group of features) is not a technical feature that defines a contribution over the prior art."

The alternatives in Claim 18 also lack unity of invention a priori because there is not element required by all the alternatives. Every set varies.

The section of MPEP 1850 directed to Markush claims are set forth below:

> "The situation involving the so-called Markush practice wherein a single claim defines alternatives (chemical or non-chemical) is also governed by PCT Rule 13.2. In this special situation, the requirement of a technical interrelationship and the same or corresponding special technical features as defined in PCT Rule 13.2, shall be considered to be met when the alternatives are of a similar nature. When the Markush grouping is for alternatives of chemical compounds, they shall be regarded as being of a similar nature where the following criteria are fulfilled:
> (A) All alternatives have a common property or activity; and

(B)(1) A common structure is present, i.e., a significant structural element is shared by all of the alternatives; or

(B)(2) In cases where the common structure cannot be the unifying criteria, all alternatives belong to a recognized class of chemical compounds in the art to which the invention pertains."

In the instant case, with regard to criteria (A), each of the claimed embodiments are directed to different types of HSV strains which lack a common property or activity. In the instant case and according to pages 5-11 of the specification, each set of polynucleotides detects a different strain of HHV. On page 11, applicants disclose, "Unlike conventional procedures, infection by one strain of a specific type of HHV can be distinguished from infection by another strain of the same HHV type. For example, the detection procedure of the invention not only can distinguish infection by HHV6 from infection by HHV7, but it can distinguish infection by HHV6a from infection by HHV6b."

Moreover, in terms of criteria (B)(1), the claimed embodiments do not share a common structure or belong to a recognized class of chemical compounds. Each set of polynucleotides requires a specific combination of polynucleotides (Poly1 + Poly2 + Poly3 + Poly4; Poly1' + Poly2' + Poly3' + Poly4'; etc.). The claimed sets of polynucleotides do not share a significant structural element.

In paragraph (B)(2), above, the words "recognized class of chemical compounds" mean that there is an expectation from the knowledge in the art that members of the class will behave in the same way in the context of the claimed invention. In other words, each member could be substituted one for the other, with the expectation that the same intended result would be achieved. See pages 5-11 of the specification discussed above. Therefore each set of polynucleotides lack a common structure, lack a common property and do not belong to a recognized class of chemical compounds.

Applicants should also note that the determination whether a group of inventions is so linked as to form a single general inventive concept is made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim. See 37 CFR 1.475(e) and PCT Rule 13.3. Applicant cannot escape a finding of lack of unity merely by placing plural patentably distinct inventions in a single claim.

2. THE EXAMINER ERRS IN FAILING TO CONSIDER THE PATENTABILITY OF A "REASONABLE NUMBER OF SPECIES COMBINATIONS

Applicants' arguments have been considered but are not germane. As set forth supra, the different claimed embodiments represent different "inventions" not different "species" of the same invention. Applicants are not entitled to the examination of multiple inventions in a singular application because the inventions lack unity.

3. THE EXAMINER ERRS IN FAILING TO APPLY THE WAIVER OF MPEP 803.04

Applicants' reference to the U.S. Patent and Trademark Office policy regarding the examination of patent applications that claim large numbers of nucleotide sequences in the Official Gazette, 1192 O.G. 68 (November 19, 1996) is acknowledged; however, contrary to applicants assertion, the instant restriction requirement does not violate the spirit of MPEP 803.04. Applicants should note that "**up to ten** independent and distinct nucleotide sequences will be examined in a single application". Applicants do not have "a right to have ten independent and distinct nucleotide sequences searched and examined in a single application". The waiver was written in 1996, well before the exponential growth of the nucleic acid databases. The instantly claimed inventions have a different field of search and require different database queries. Furthermore, the instant inventions are drawn to sets of polynucleotides. For each claimed invention, four nucleotide sequences must be searched. A search of Set (1) requires "SEQ ID NOS: 33, 34, 35 and 57" in the database query which is unlikely to turn up Set (2) of "SEQ ID NOS: 16, 17, 18 and 53". Because the database is so much larger now, the time and resources (money) required to search a nucleotide sequence has greatly increased. Due to the vast number of sequences presently listed in the database, search and examination of multiple combinations nucleotide sequences causes an undue burden upon the examiner and the Office.

DECISION

The petition is **DENIED** for the reasons set forth above.

Any request for reconsideration must be filed within two (2) months of the mailing date of this decision.

The application will be forwarded to the examiner for consideration of applicants' response filed on August 23, 2006.

Should there be any questions about this decision, please contact Quality Assurance Specialist/Program Manager Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.

George Elliott
Director, Technology Center 1600
jb/pl

06 DEC 2004

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In re Application of DINAKIS Serial No.: 10/399,873 PCT App. No.: PCT/AU01/01351 Int'l Filing Date: 22 October 2001 Priority Date: 24 October 2000 Attorney Docket No.: 18652-188885 For: LIGHT WEIGHT AGGREGATE BINDER FORMULATION	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 22 September 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 required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $1040 was provided. The required petition fee of $1330 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including the issuance of the Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) & (b) and the $130 surcharge for filing the oath or declaration after the thirty month is required.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286
Facsimile: 571-273-0459

02 MAY 2006

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In re Application of	:	
NAGAMATSU *et al*	:	
U.S. Application No.: 10/399,875	:	**DECISION**
PCT No.: PCT/JP01/09183	:	
Int. Filing Date: 19 October 2001	:	**ON PETITION UNDER**
Priority Date: 24 October 2000	:	
Docket No.: 06920/M777US0	:	**37 CFR 1.10(c)**
For: REFINED OIL AND MANUFACTURING METHOD THEREOF	:	

This decision is in response to applicants' request for a corrected filing receipt filed with the United States Designated/Elected Office (DO/EO/US) on 18 May 2005 and again on 27 April 2006 which is treated as a petition under 37 CFR 1.10(c).

BACKGROUND

On 22 April 2003, applicant filed papers to enter the national stage of PCT/US01/47144 using Express Mail service.

Applicants submitted an executed declaration and assignment. These papers were processed as received by the USPTO on 08 September 2003.

On 26 September 2003, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form DO/EO/903) and filing receipt. The date of completion of all 35 U.S.C. 371 requirements on the Form DO/EO/903 and filing receipt was listed as 08 September 2003.

On 18 May 2005 and again on 27 April 2006, applicant filed the subject petition which was accompanied by, *inter alia*, a copy of the Customer Copy of Express Mail Label No. EV306628525US and date-stamped postcard receipt.

DISCUSSION

Applicant requests that the 35 U.S.C. 371 date and filing date of the above-captioned national stage application be amended to 04 September 2003 as the Express Mail date of the declaration.

Any correspondence received by the Patent and Trademark Office delivered by

"Express Mail" will be considered filed in the office on the date of deposit with the USPS. 37 CFR 1.10(a).

Moreover, 37 CFR 1.10(c) states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date - in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date - in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
>
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date - in," and of any other official notation by the USPS relied upon to show the date of deposit.

The Express Mail number was listed on the documents. A copy of the Customer Copy of Express Mail Label No. EV306628525US was submitted which shows the "Date In" box as "9 4 03" and has a USPS stamp of "SEP 4 2003." This evidence is sufficient to satisfy item (3).

Accordingly, applicants have met all the requirements of 37 CFR 1.10(c).

CONCLUSION

Applicants' petition under 37 CFR 1.10(c) is hereby **GRANTED**.

The Form DO/EO/903 and filing receipt mailed 26 September 2003 are **VACATED**.

This application is being returned to the national stage processing branch to

issue a corrected Form DO/EO/903 and filing receipt.

James Thomson
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Office of PCT Legal Administration

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JUN 13 2005

OFFICE OF PETITIONS

In re Application of :
Chun-Byung Yang, et. al. :
Application No. 10/399,886 : ON PETITION
Filed: April 22, 2003 :
Attorney Docket No. 5333-03900/EBM :

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

In response to the Notice of Allowance mailed November 23, 2004, petitioner hereby submits an authorization to charge $1,500 for the petition to revive fee, $1,400 for the issue fee, $300 for the publication fee, $15 for five (5) advance soft copies, and provided the statement of unintentional delay as required by 37 CFR 1.137(b). As authorized, these fees have been charged to petitioner's deposit account.

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

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

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

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

18 JUN 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Oliff & Berridge
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In re Application of	:	
TOYAMA, Tetsushi et al.	:	
Application No.: 10/399,900	:	DECISION ON
PCT No.: PCT/JP02/07226	:	
Int. Filing Date: 16 July 2002	:	PETITION
Priority Date: 19 July 2001	:	
Attorney's Docket No.: 115793	:	UNDER 37 CFR 1.181
For: MANHOLE STRUCTURE ...	:	
AND MANHOLE STRUCTURE	:	

This decision is in response to "Response to Notification of Missing Requirements," filed on 14 October 2003 in the United States Patent and Trademark Office. It has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 16 July 2002, applicants filed international application PCT/JP02/07226, which claimed a priority date of 19 July 2001. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 30 January 2003. The deadline for entry into the national stage in the United States was midnight 21 January 2004 (19 January 2004 was a Sunday and 20 January 2004 was a holiday).

On 23 April 2002, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration.

On 14 August 2003, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a)-(b) was required and that the current declaration listed two inventors not named on the international application.

On 14 October 2003, applicants submitted a statement indicating that the discrepancy in the inventors' names was a translation error and that a change had been submitted to the IB.

DISCUSSION

The IB indicates that the change request was for correction of an obvious error and was approved by the Japanese Patent Office. However, the request reached the IB subsequent to the

publication of the international application and was not entered. The IB did not have record of a recording of a change under Rule 92*bis*.

Applicants have explained the discrepancy in the names as a translation error for correction under MPEP 201.03. The request to correct the names and to accept the declaration is granted.

The fee for late submission of the oath or declaration will be charged to deposit account no. 15-0461, as authorized.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. §§371(c)(1), (c)(2) and (c)(4) is 14 October 2003.

Boris Milef
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/20/07

Paper No.: _____

TO SPE OF : Technology Center 1775

10/399903

SUBJECT : Request for Certificate of Correction on Patent No.: 7175921 B2

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

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

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

Thank You For Your Assistance

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

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

Comments:

JENNIFER C. MCNEIL
SUPERVISORY PATENT EXAMINER
8/11/2007

SPE 1775 **Art Unit**

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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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Andrew Bick	: DECISION ON REQUEST FOR
Patent Number	: 7620174	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/399,909	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1309** 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

IVC

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 041505

WOODCOCK WASHBURN
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA, PA 19103

AUG 2 2005

In re Application of:
LEBLANS *et al.*
Serial No.: 10/399,921
Filed: April 16, 2003
Attorney Docket No.: **TIP0022USAPCT**

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed March 29, 2005.

The request is **DISMISSED** as moot.

A review of the application file record reveals attorneys with the firm of Johnson & Johnson associated with Customer No. 27777, are already the attorneys of record. Accordingly, the present request by Wendy A. Choi 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: PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

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B475
FIVE MOORE DR., PO BOX 13398
RESEARCH TRIANGLE PARK, NC 27709-3398

COPY MAILED

AUG 28 2006

OFFICE OF PETITIONS

In re Application of :
Audain et al. :
Application No. 10/399,927 :
Filed: April 24, 2003 : ON PETITION
Attorney Docket Number: :
PU4069USW :

This is a decision on the Petition to Withdraw Holding of Abandonment, filed September 6, 2005. The petition is properly treated under 37 CFR 1.181(a). The delay in treating this petition is regretted.

The petition is **granted.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee Due ("Notice"), mailed February 10, 2005. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned May 11, 2005. A Notice of Abandonment was mailed on August 17, 2005.

Applicant's Assertion

Applicant responds with the instant petition wherein Applicant asserts that a timely reply was filed on May 9, 2005. In support of this assertion, Applicant files a copy of a Fax Transmittal Coversheet indicating thereon that a Request for Continued Examination ("RCE") Transmittal (in duplicate); Information Disclosure Statement ("IDS")(3 pages); Copy of International Search Report (5 pages) and Copy of Request for Corrected Filing Receipt (15 pages) were sent via facsimile to this Office at 703-872-9306 on May 9, 2005. Applicant also file a copy of an Auto-Reply Facsimile Transmission whereon this Office

acknowledged receipt from Petitioner of 26 pages of a facsimile transmission on May 9, 2005.

Applicant has failed to provide a copy of the correspondence.

Applicable Law, Rules and MPEP

The MPEP provides that,

> [w]here a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

MPEP 711.03(c)(I)(B)

Analysis and conclusion

Applicant has failed to demonstrate compliance with 37 CFR 1.8, to wit: no duplicate copy of the correspondence has been provided, so that there is no evidence that Applicant complied with the certificate of mailing procedures under 37 CFR 1.8.

It is noted that the petition includes an assertion that a duplicate copy of the correspondence was included. Applicant should consider a review of the identifying information provided on the correspondence. Otherwise, Applicant should file a Request for Reconsideration of the petition and include the copies of the correspondence.

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

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

By FAX: (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 (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FIVE MOORE DR., PO BOX 13398
RESEARCH TRIANGLE PARK, NC 27709-3398

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SEP 01 2006

OFFICE OF PETITIONS

In re Application of	:	
Audain et al.	:	
Application No. 10/399,927	:	CORRECTED DECISION
Filed: April 24, 2003	:	ON PETITION
Attorney Docket Number:	:	
PU4069USW	:	

This is a decision on the Petition to Withdraw Holding of Abandonment, filed September 6, 2005. The petition is properly treated under 37 CFR 1.181(a). The delay in treating this petition is regretted.

The petition is **dismissed.**

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee Due ("Notice"), mailed February 10, 2005. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned May 11, 2005. A Notice of Abandonment was mailed on August 17, 2005.

Applicant's Assertion

Applicant responds with the instant petition wherein Applicant asserts that a timely reply was filed on May 9, 2005. In support of this assertion, Applicant files a copy of a Fax Transmittal

Coversheet indicating thereon that a Request for Continued Examination ("RCE") Transmittal (in duplicate); Information Disclosure Statement ("IDS")(3 pages); Copy of International Search Report (5 pages) and Copy of Request for Corrected Filing Receipt (15 pages) were sent via facsimile to this Office at 703-872-9306 on May 9, 2005. Applicant also file a copy of an Auto-Reply Facsimile Transmission whereon this Office acknowledged receipt from Petitioner of 26 pages of a facsimile transmission on May 9, 2005.

Applicant has failed to provide a copy of the correspondence.

Applicable Law, Rules and MPEP

The MPEP provides that,

> [w]here a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

MPEP 711.03(c)(I)(B)

Analysis and conclusion

Applicant has failed to demonstrate compliance with 37 CFR 1.8, to wit: no duplicate copy of the correspondence has been provided, so that there is no evidence that Applicant complied with the certificate of mailing procedures under 37 CFR 1.8.

It is noted that the petition includes an assertion that a duplicate copy of the correspondence was included. Applicant should consider a review of the identifying information provided on the correspondence. Otherwise, Applicant should file a Request for Reconsideration of the petition and include the copies of the correspondence.

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

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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 (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	DECISION ON
Audain et al.	:	PETITION
Application No.: 10/399927	:	
Filed: 04/24/2003	:	
Attorney Docket Number: PU4069USW	:	

This is a decision in response to the Renewed Petition for Withdrawal of the Holding of Abandonment, filed November 6, 2006. The petition is properly treated under 37 CFR 1.181. The delay in treating this petition is regretted.

This Petition to withdraw the holding of abandonment is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed February 10, 2005. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on May 11, 2005. A Notice of Abandonment was mailed August 17, 2005.

The September 6, 2005 petition

Applicant filed a petition to withdraw the holding of abandonment on September 6, 2005; however, the petition was dismissed in a decision mailed September 1, 2006, because the Office had not received with the petition a copy of the putatively-filed reply.

The present petition

Applicant files the present petition and includes a copy of the reply.

In view of the above, the holding of abandonment is hereby withdrawn.

Applicant's deposit account has been charged the RCE and extension of time fees.

The application is being referred to Technology Center Art Unit 3737 for processing of the RCE.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/399,938	04/24/2003	Joachim Guttmann	510.1064	8884

23280 7590 03/11/2009

Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th Floor
New York, NY 10018

EXAMINER	
KIM, ELLEN E	

ART UNIT	PAPER NUMBER
2874	

MAIL DATE	DELIVERY MODE
03/11/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th floor
New York, NY 10018

In re Application of: GUTTMANN ET AL
Serial No.: 10/399,938
Filed: April 24, 2003
Attorney Docket No.: 510.1064
For: OPTICAL SIGNAL TRANSMISSION SYSTEM

DECISION ON PETITION

This is a decision on the petition under 37 CFR § 1.181, filed December 04, 2008, requesting relief from the objections to the drawings by the examiner under 37 CFR 1.83(c).

The petition is **granted-in-part**.

Petitioner asserts that the objections to the drawings under 37 CFR 1.83(a) should be removed because the recited features are either shown in the drawings or would be understood by a person of skill in the art reading the specification and reviewing the drawings.

This decision addresses two issues: the objections to the drawings in the appeal and the propriety of the objections.

1. Objections to the drawings under 37 CFR 1.83(a) in the appeal:

A review of the file record indicates that the objections to the drawings under 37 CFR 1.83(a) were included in the Examiner's Answer of September 30, 2008. Since an objection to the drawings relates to an issue that is properly petitionable for relief to the Director of the US Patent and Trademark Office, the inclusion of the objections to the drawings as an issue to be reviewed the Board of Patent Appeals and Interferences on appeal is inappropriate and must be withdrawn. To the extent that the Examiner's Answer includes the objection to the drawings as a ground reviewable on appeal, the objection is improper and is hereby withdrawn from appeal.

2. Objections to the drawings under 37 CFR 1.83(a) raised in the Office action of March 10, 2008:

In the Office action of March 10, 2008, where the rejections of the claims are being appealed, the drawings were objected to under 37 CFR 1.83(a) as failing to show all the features recited in the claims, and required that "the laser diode, photodiode, MSM diode, plug-in structure, and vertical resonator must be shown or the feature(s) canceled from the claim(s)."

37 C.F.R. § 1.83(a) requires:

> "(a) The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box). In addition, tables and sequence listings that are included in the specification are, except for applications filed under 35 U.S.C. 371, not permitted to be included in the drawings."

A review of the application record and petitioner's arguments reveals that the laser diode, photodiode, and MSM diode are conventional features in the art that need not be shown for the understanding of the claimed invention. The requirements that the drawings be amended to show a laser diode, photodiode, and MSM diode or the subject matter be deleted from the claims are hereby vacated.

While the laser diode, photodiode, and MSM diode may be conventional features in the art that need not be shown for the understanding of the claimed invention, the recitations "laser diode having a vertical resonator" in claim 7 and "the transmitting and receiving elements are configured to be detachably connectable with each other in a plug-in manner" in claim 11 must be shown in the drawings since, without such showing, the inter-structural relationship between these recited structures and between the structures and the claimed invention cannot be readily determined.

Petitioner argues that the recitation "one of a light emitting waveguide and a laser diode having a vertical resonator" of claim 7 is "clearly shown in the drawings, namely via waveguide 1. See for example specification at [0017]. The drawings also show the receiver including "one of an optical waveguide that receives light and photodiode" namely waveguide or receiver 2." However, none of the drawing figures shows a laser diode having a vertical resonator. Without the showing of how the vertical resonator being positioned relative to other features of the claimed system, the structural relationship between the diode having a vertical resonator and other structures cannot be readily ascertained. Petitioner fails to point out what would constitute the vertical resonator in the drawings. As such, petitioner is required to show this feature or the subject matter be deleted from claim 7. The requirement that the diode having a vertical resonator be shown in the drawings or the subject matter canceled from claim 7 is deemed proper and hereby maintained.

Regarding claim 11, it is argued that "claim 11 recites that the separable optical transmission system as recited in claim 6, wherein the transmitting and receiving elements are configured to be detachably connectable with each other in a plug-in manner, as shown in Fig. 1 at separation point. See [0008] and [0017] as amended. The detachable connection is described as "in a plug in manner" as would be so understood to one of skill in the art reading the specification and reviewing the drawings. The requirement for showing a "plug-in structure" does not match the claim language. See 37 C.F.R. 1.83(a)."

Petitioner appears to argue that the disclosure provides support for the recitation in claim 11. However, the requirement is not whether there is support for the claimed invention in the disclosure. The requirement is to either amend the drawings to illustrate the claimed "transmitting and receiving elements that are configured to be detachably connectable with each other in a plug-in manner" without introducing new matter, or to cancel the recited feature from claim 11. Other than a general reference to the Fig. 1 and to the specification, petitioner has not explained why the description of ""in a plug-in manner" would be understood to one skilled in the art reading the specification and reviewing the drawings" and thus would render the requirement of 37 CFR 1.83(a) not applicable. Petitioner has not shown that the examiner errs in making the requirement regarding the feature recited in claim 11. The requirement that the "transmitting and receiving elements are configured to be detachably connectable with each other in a plug-in manner" be shown in the drawings or this subject matter canceled from claim 11 is deemed proper and hereby maintained.

In summary,
1. The requirement that the subject matter be shown in the drawings without introducing new matter or be canceled from the claims as presented for appeal is hereby vacated as not being appropriate for appeal.
2. The requirement that the laser diode, photodiode, and MSM diode be shown in the drawings or the subject matter be canceled from the claim is hereby vacated.
3. The requirements that the "laser diode having a vertical resonator" in claim 7 and the "transmitting and receiving elements are configured to be detachably connectable with each other in a plug-in manner" in claim 11 must be shown in the drawings or the subject matter canceled from the claims are deemed proper and maintained.

The petition is granted to the extent indicated above.

Since a Reply Brief in response to the Examiner's Answer was filed concurrent with the instant petition, the examiner will review and acknowledge its receipt. The examiner will also acknowledge that the objections to the drawings on pages 5 and 6 of the Examiner's Answer are withdrawn from appeal.

To expedite the examination and appeal process, a reply to the requirement that the claimed subject matter be shown in the drawings or be canceled from the claims, as

modified above by this decision, is held in abeyance until the appeal is resolved. At the conclusion of the appeal (when the time for taking any further action by the appellant expires), if the application is in condition for allowance except for the above-stated requirements, petitioner is given a time period of one month or thirty days, whichever is longer, to file a reply or seek reconsideration of this decision. No extension of this time will be available under 37 CFR 1.136(a).

Inquiries regarding this decision should be directed to Uyen-Chau Le, Supervisory Patent Examiner, at (571) 272-2397.

Cassandra C. Spyrou, Acting Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

10 MAR 2004

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MCDONNELL BOEHNEN HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO IL 60606

In re Application of	:	
CUNNINGHAM, Brian T., et al.	:	
Application No.: 10/399,940	:	
PCT No.: PCT/US01/45455	:	DECISION ON
Int. Filing Date: 23 October 2001	:	
Priority Date: 30 October 2000	:	PETITION UNDER
Attorney Docket No.: 00-1123-F4	:	
For: A LABEL-FREE HIGH-THROUGHPUT OPTICAL TECHNIQUE FOR DETECTING BIOMOLECULAR INTERACTIONS	:	37 CFR 1.47(a)

This is in response to applicants' "Petition Under 37 CFR §1.47(a)" filed in the United States Patent and Trademark Office (USPTO) on 16 January 2004.

BACKGROUND

On 23 October 2001, applicants filed international application PCT/US01/45455, claiming a priority date of 30 October 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 29 May 2002, within nineteen months from the priority date. The deadline for paying the basic national fee in the United States expired at midnight on 30 April 2003.

On 23 April 2003, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 13 August 2003, USPTO mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 16 January 2004, applicants submitted "Response to Notification of Missing Requirements," accompanied by a declaration executed by four of the five inventors, the fee for a three month extension of time and a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the non-signing applicant.

Items (1), (2), (3) and (4) have been satisfied. The fee under 37 CFR 1.17(h) has been paid. Applicants have supplied evidence that the non-signing inventor was presented with a complete copy of the application papers and has not returned a signed declaration. Applicants state that the last known address of inventor Jane Pepper is 77 Edgelawn Avenue #11, North Andover, MA 01845. The declaration submitted 16 January 2004 complies with 37 CFR 1.47(a) and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §§371(c)(1), (c)(2) and (c)(4) date of **16 January 2004**.

Boris Milef
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

10 MAR 20

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jane Pepper
77 Edgelawn Avenue #11
North Andover, MA 01845

In re Application of
CUNNINGHAM, Brian T., et al.
Application No.: 10/399,940
PCT No.: PCT/US01/45455
Int. Filing Date: 23 October 2001
Priority Date: 30 October 2000
Attorney Docket No.: 00-1123-F4
For: A LABEL-FREE HIGH-THROUGHPUT OPTICAL TECHNIQUE FOR DETECTING BIOMOLECULAR INTERACTIONS

Dear Ms. Pepper:

You are named as an inventor in the above-captioned United States national stage 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. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

for

Boris Milef
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

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FOLEY & LARDNER LLP LLP
3000 K ST NW
SUITE 500
WASHINGTON DC 20007

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OCT 3 1 2005

OFFICE OF PETITIONS

In re :
Fannasch, et al. : DECISION REGARDING
Application No. 10/399,956 : PATENT TERM ADJUSTMENT
Filed: September 3, 2003 :
Attorney Docket No. 048662-0135 :

This decision is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT", filed July 25, 2005, requesting correction of the patent term adjustment (PTA) indicated on the patent.

The request is **DISMISSED**.

On April 26, 2005, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above identified application. The Notice stated that the patent term adjustment (PTA) to date is thirty-seven (37) days. Applicants submitted the instant "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT" on June 22, 5005. Applicants state that they believes there was an error in their favor in the patent term adjustment calculation.

The Office determined a patent term adjustment of thirty-seven (37) days based on an adjustment for PTO delay of thirty-seven (37) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), reduced by zero (0) days of applicant delay.

A review of the application does not reveal any errors in the calculation of the patent term adjustment.

It is noted that applicants filed a terminal disclaimer on March 10, 2005. The provisions of § 154(b), for adjustment due to examination delay, apply to original applications, other than designs, filed on or after May 29, 2000. The Office calculates patent term adjustment for examination delay in all eligible applications. In calculating the patent term adjustment, the Office does not differentiate between applications that have terminal disclaimers and those that do not. Nor does the Office undertake the burdensome task of reviewing every application with a terminal disclaimer to determine if the patent term adjustment accorded would adjust the term beyond the expiration date specified in the disclaimer.

Rather, on issuance of the application, in compliance with 35 U.S.C. 154(b) and 37 C.F.R. § 1.703(g), it is indicated in the patent that the patent term adjustment indicated therein is subject to any disclaimer. Moreover, it is also stated therein that the patent is subject to a terminal disclaimer.

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

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Kary Ferriter for

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD
11TH FLOOR
ARLINGTON, VA 22203

COPY MAILED

AUG 16 2007

OFFICE OF PETITIONS

In re Application of :
richard J. Titmuss :
Application No. 10/399,977 : DECISION GRANTING PETITION
Filed: April 24, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 36-1689 :

This is a decision on the petition, filed August 15, 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 July 10, 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 2154 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\aug10\399977.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.*

20 AUG 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RANKIN, HILL, PORTER & CLARK
700 Huntington Building
925 Euclid Avenue
Cleveland, Ohio 44115-1405

In re Application of:	:	
TEWES-SCHWARZER, Petra	:	DECISION ON PETITION TO
U.S. Application No.: 10/339,984	:	REVIVE ABANDONED
PCT No.: PCT/EP01/03623	:	APPLICATION UNDER 37
International Filing Date: 29 March 2001	:	CFR 1.137(b)
Priority Date: 10 April 2000	:	
Attorney's Docket No.: GIL-14764	:	
For: PACK COMPRISED OF FLEXIBLE SUPPORTS SUITED FOR TAKING UP LIQUIDS ... THE USE OF THIS PACK	:	

The petition to revive under 37 CFR 1.137(b) filed 23 April 2003 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

Applicant has now submitted the small entity basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States of America.

The 23 April 2003 submission also included an executed declaration in compliance with 37 CFR 1.497 and an English translation of the international application. Deposit Account No. 18-0160 will be charged the $65 small entity surcharge for filing the declaration later than thirty months after the priority date and the $130 processing fee for filing the translation later than thirty months after the priority date.

This application is being returned to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371 date is 23 April 2003.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

SPE D. Banks

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 10/399,990

Paper No.: _____

DATE : 9/13/05

TO SPE OF : ART UNIT 3725

SUBJECT : Request for Certificate of Correction on Patent No.: 6,898,957

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

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

Lamonte M. Newsome

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-305-8309

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

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

Comments:

_____

_____

_____

_____

_____

SPE

3725
Art Unit

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CENTRAL FAX CENTER

AUG 0 5 2005

PATENT
Agent Docket No. 42478.5 (134.006)

OK to Enter, Ed Tolan 10-25-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Certificate
AUG 1 7 2005
of Correction

In re Application of:	**Maurice SLACK**
Assignee:	**REGENT TECHNOLOGIES LTD.**
Patent No.	**6,898,957 B2**
Issue Date:	May 31, 2005
Application No.:	10/399,990
Filing Date:	04/24/2003 [371(c) date]
Title:	**METHOD OF REDUCING SLOT WIDTH IN SLOTTED TUBULAR LINERS**

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence (3 pages in total) is being transmitted on August 5, 2005 from facsimile number (780) 424-2205 to the United States Patent and Trademark Office at (571) 273-8300, to the attention of the Certificate of Corrections Branch.

Don Tomkins — Date: Aug. 5, 2005

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. 1.322

August 5, 2005

TO: Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PAGE 1/3 * RCVD AT 8/5/2005 4:01:10 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/25 * DNIS:2738300 * CSID:7804242205 * DURATION (mm-ss):01-06

AUG 1 7 2005

REQUEST FOR CERTIFICATE OF CORRECTION

Upon a review of Patent No. 6,898,957 in light of the prosecution history, it is apparent that the patent contains certain printing errors which require correction in order to conform with the official record in the application.

The errors in question are set out on the attached Form PTO/SB/44.

The requested corrections will bring Sheet 1 of the drawings into conformance with the replacement Sheet 1 filed on March 14, 2005 as part of an amendment under 37 CFR 1.312, and further will bring Claim 1 into conformance with the preliminary amendment filed June 5, 2004.

It is submitted that the errors herein arose during the process of printing the letters patent, and that the requested Certificate of Correction should therefore be issued under 37 CFR 1.322.

Respectfully submitted by:

Donald V. Tomkins
Registration No. 48,206
Customer No. 31209

TOMKINS LAW OFFICE
Suite 740, 10150 - 100 Street
Edmonton, Alberta, CANADA
T5J 0P6

Telephone: (780) 424-2200
Facsimile: (780) 424-2205

E-mail: dtomkins@tomkinslaw.ca

AUG 17 2005

PTO/SB/44 (04-05)
Approved for use through 04/30/2007. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,898,857 B2

APPLICATION NO.: 10/399,990

ISSUE DATE : May 31, 2005

INVENTOR(S) : SLACK, Maurice William

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

In the drawings, Sheet 1, Fig. 1, reference numeral 2 should be applied to the exterior surface of the tubular (rather than reference numeral 4).

In the drawings, Sheet 1, Fig. 1, reference numeral 4 should be applied to the slots in the tubular (rather than reference numeral 2).

In Claim 1, Column 9, Line 58, after "liners" insert –having largely longitudinally oriented slots–.

In Claim 1, Column 9, Line 62, after "surface" insert –, said slots being oriented largely longitudinally relative to the axis of the liner–.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Donald V. Tomkins
#740, 10150 - 100 Street
Edmonton, Alberta, Canada T5J 0P6

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.

AUG 17 2005

27 OCT 2003

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www.uspto.gov

#4

William B. Patterson
Moser, Patterson & Sheridan L.L.P.
3040 Post Oak Boulevard, Suite 1500
Houston, TX 77056

In re Application of SCHULZE-BECKINGHAUSEN :
U.S. Application No.: 10/399,998 :
PCT Application No.: PCT/GB01/04911 :
Int. Filing Date: 05 November 2001 : COMMUNICATION
Priority Date Claimed: 04 November 2000 :
Attorney Docket No.: MRKS/0100 :
For: COMBINED GRIP CONTROL OF :
ELEVATOR AND SPIDER SLIPS :

This is in response to applicant's "Response to Notice to File Missing Parts" filed 10 October 2003.

BACKGROUND

On 05 November 2001, applicant filed international application PCT/GB01/04911, which claimed priority of an earlier United Kingdom application filed 04 November 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 10 May 2002. A Demand for international preliminary examination, in which the United States was elected, was filed on 28 May 2002, prior to the expiration of nineteen months from the priority date. The thirty-month period for paying the basic national fee in the United States expired on 04 May 2003.

On 22 April 2002, applicant filed 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).

On 15 August 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 10 October 2003, applicant filed the present response along with an executed declaration.

DISCUSSION

The declaration lists Bernd-Georg Pietras as an inventor, even though Pietras is not indicated as an inventor in the international application. The DO/EO/US has not received a Notification of the Recording of a Change (Form PCT/IB/306) which indicates that Pietras has been added as an inventor.

37 CFR 1.497(d) (effective 07 November 2000) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see ' 3.73(b) of this chapter).

CONCLUSION

Applicant must file a proper response within TWO (2) MONTHS from the mailing date of this communication. Extensions of time are available under 37 CFR 1.136(a). A proper response would include the items set forth in 37 CFR 1.497(d) or a copy of a Notification of the Recording of a Change (Form PCT/IB/306) which indicates that Bernd-Georg Pietras has been added as an inventor.

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.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

20 FEB 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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William B. Patterson
Moser, Patterson & Sheridan L.L.P.
3040 Post Oak Boulevard, Suite 1500
Houston, TX 77056

In re Application of SCHULZE-BECKINGHAUSEN	:	
U.S. Application No.: 10/399,998	:	
PCT Application No.: PCT/GB01/04911	:	
Int. Filing Date: 05 November 2001	:	DECISION
Priority Date Claimed: 04 November 2000	:	
Attorney Docket No.: MRKS/0100	:	
For: COMBINED GRIP CONTROL OF	:	
ELEVATOR AND SPIDER SLIPS	:	

This is in response to applicant's "Petition and Amendment to Correct Inventorship Under Rule 1.497(d)" filed 30 January 2004.

BACKGROUND

On 05 November 2001, applicant filed international application PCT/GB01/04911, which claimed priority of an earlier United Kingdom application filed 04 November 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 10 May 2002. A Demand for international preliminary examination, in which the United States was elected, was filed on 28 May 2002, prior to the expiration of nineteen months from the priority date. The thirty-month period for paying the basic national fee in the United States expired on 04 May 2003.

On 22 April 2002, applicant filed 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).

On 15 August 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 10 October 2003, applicant filed an executed declaration.

On 27 October 2003, this Office mailed a communication, which indicated that the declaration lists Bernd-Georg Pietras as an inventor, even though Pietras is not listed as an inventor in the international application.

On 30 January 2004, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

37 CFR 1.497(d) (effective 07 November 2000) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR 3.73(b) of this chapter).

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, the petition includes a statement of assent of purported assignee Weatherford/Lamb, Inc. However, although the statement indicates that a copy of the assignment is attached, no such copy appears in the application file. Therefore, it cannot be determined at the present time that Weatherford/Lamb, Inc. is the assignee of the invention.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, applicant must file a proper response within TWO (2) MONTHS from the mailing 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 1.497(d)". No additional petition fee is due.

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.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

03 JUN 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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#9

William B. Patterson
Moser, Patterson & Sheridan L.L.P.
3040 Post Oak Boulevard, Suite 1500
Houston, TX 77056

In re Application of SCHULZE-BECKINGHAUSEN	:	
U.S. Application No.: 10/399,998	:	
PCT Application No.: PCT/GB01/04911	:	
Int. Filing Date: 05 November 2001	:	DECISION
Priority Date Claimed: 04 November 2000	:	
Attorney Docket No.: MRKS/0100	:	
For: COMBINED GRIP CONTROL OF ELEVATOR AND SPIDER SLIPS	:	

This is in response to applicant's "Renewed Petition Under Rule 1.497(d)" filed 05 April 2004.

BACKGROUND

On 05 November 2001, applicant filed international application PCT/GB01/04911, which claimed priority of an earlier United Kingdom application filed 04 November 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 10 May 2002. A Demand for international preliminary examination, in which the United States was elected, was filed on 28 May 2002, prior to the expiration of nineteen months from the priority date. The thirty-month period for paying the basic national fee in the United States expired on 04 May 2003.

On 22 April 2002, applicant filed 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).

On 15 August 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 10 October 2003, applicant filed an executed declaration.

On 27 October 2003, this Office mailed a communication, which indicated that the declaration lists Bernd-Georg Pietras as an inventor, even though Pietras is not listed as an inventor in the international application.

On 30 January 2004, applicant filed a petition under 37 CFR 1.497(d).

On 20 February 2004, this Office mailed a decision dismissing the 30 January 204 petition.

On 05 April 2004, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

37 CFR 1.497(d) (effective 07 November 2000) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR 3.73(b) of this chapter).

Applicant has previously satisfied items (1) and (2) above.

With regard to item (3) above, the requisite written consent of the assignee has been provided.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 05 November 2001, and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 10 October 2003.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 29, 2009

TO SPE OF : ART UNIT 2167 - John R. Cottingham

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/400,000 Patent No.: 7,430,563 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)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

Certificates of Correction Branch

(571)272-0483

Thank You For Your Assistance

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

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

Comments: The request has been approved since no new matter has been introduced and the scope of the claims has not changed.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20091124

DATE : November 25, 2009

TO SPE OF : ART UNIT 1631

SUBJECT : Request for Certificate of Correction on Patent No.: 7191068

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 appropriate box.

☒ **Approved** **All** changes apply.

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

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

Comments:

SPE: /Marjorie Moran/ **Art Unit** 1631

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. 3

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

COPY MAILED

SEP 17 2003

OFFICE OF PETITIONS

In re Application of :
William Hewlett et al :
Application No. 10/400,045 : NOTICE
Filed: March 25, 2003 :
Attorney Docket No. 07319/078004 :

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

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

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

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

This file is being forwarded to Technology Center AU 2875.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WONG CABELLO LUTSCH RUTHERFORD & BRUCCULERI, LLP
20333 SH 249, SUITE 600
HOUSTON, TX 77070

Mail Date: 04/21/2010

Applicant	: Ronald V. Abruzzese	: DECISION ON REQUEST FOR
Patent Number	: 7579326	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/400,053	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **338** 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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OFFICE OF PETITIONS

In re Application of :
Azorides Morales, Harold :
Essenfeld and Ervin Essenfeld :
Application No. 10/400,060 : DECISION ON PETITIONS
Filing Date: March 27, 2003 : UNDER 37 C.F.R. §§ 1.36(a),
Attorney Docket Number: 4052-74 : 1.182, AND 1.183
Title: HIGH QUALITY, CONTINUOUS :
THROUGHPUT, TISSUE PROCESSING :

Joint inventor Morales assigned his interest in the present application to the University of Miami (the University). Harold Essenfeld and Ervin Essenfeld have assigned their interests in the present application to an entity by the name of "Rosewood Consulting Limited" (Rosewood). The University has entered into an agreement with the Essenfelds where it is the exclusive licensee of this application. The University wishes to execute a terminal disclaimer to overcome a double patenting rejection - the University has been unable to obtain the signatures of either of the Essenfelds on the terminal disclaimer, and wishes to effectuate the same without their participation.

Therefore, the University filed a petition on May 22, 2006, pursuant to 37 C.F.R. § 1.183, seeking the waiver of 37 C.F.R. §1.321 so that a terminal disclaimer may be filed without the signatures of two of the three inventors. The University submitted the fee associated with the filing of a petition under 37 C.F.R. §1.183, a copy of the licensing agreement, and proof that a copy of the terminal disclaimer was provided to each of the Essenfelds.

A terminal disclaimer which was executed by the Essenfelds was delivered to the University, with the condition that it be filed with the Office only if the University agreed to certain claim amendments[1]. It appears that since the University has not agreed to these restrictions, it has not submitted a copy of this terminal disclaimer for recordation.

On August 10, 2006, Rosewood filed a petition under 37 C.F.R. §1.36(a), requesting the revocation of the power of attorney appointed to the law firm representing the University (Nixon and Vanderhye), and further requesting that the Office require that all future papers submitted to the Office be executed by all applicants of record. With the petition of August 10, 2006, Rosewood has included, *inter alia*, a declaration of facts from an attorney by the name of Carlos A. Romero, Jr. The declaration of facts sets forth that although Mr. Romero does not appear to be registered to practice before the Office, he has taken it upon himself to advise his clients on matters of patent prosecution, such as the filing of a terminal disclaimer and the amendment of claims[2].

On September 18, 2006, the University filed an "opposition to Rosewood's Petition under 37 C.F.R. §1.36(a)," which is properly treated as a petition under 37 C.F.R. §1.182. Petitioner's representative's Deposit Account has been charged accordingly.

On October 24, 2006, Rosewood filed what is essentially an opposition to the opposition of September 18, 2006, entitled "reply to opposition to petition under 37 C.F.R. §1.36(a)." This is properly treated as a petition under 37 C.F.R. §1.182. Petitioner's representative's Deposit Account has been charged accordingly.

On November 1, 2006, the University filed an opposition to the opposition to the opposition of September 18, 2006, entitled "supplemental opposition to Rosewood's petition." This is properly treated as a petition under 37 C.F.R. §1.182. Petitioner's representative's Deposit Account has been charged accordingly.

The present application was filed on March 27, 2003, as a continuation of application number 09/736,388, which issued as U.S. patent number 6,586,713 on July 1, 2003. The present

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1 See letter from Romero dated May 12, 2006, included in the submission of November 1, 2006.
2 Romero declaration, paragraphs 9-13 and 15. See also various included e-mails.

application claims priority to provisional application number 60/056,102, filed on August 20, 1997. On December 20, 2005, a non-final Office action was mailed, rejecting claims 21-25 as unpatentable over claims contained in U.S. Patent number 6,793,890 (which was filed as application number 09/735,918 on December 14, 2000 and claims priority to provisional application number 60/056,102) and claims 16-25 as unpatentable over claims contained in U.S. patent number 6,586,713.

There are two issues presently before the Office of Petitions - the University's request that the Office enter the terminal disclaimer without the signatures of the Essenfelds, and Rosewood's request to revoke the power of attorney. Each matter will be considered in kind.

All parties should be aware that under the status quo, an attorney of record who represents all the parties may sign the terminal disclaimer, pursuant to Rule §1.321(a)(1).

The University's Request to Effectuate a Terminal Disclaimer without the Participation of All Assignees

Applicable Law and Rules

35 U.S.C. §253 sets forth, *in toto*:

Whenever, without any deceptive intention, a claim of a patent is invalid the remaining claims shall not thereby be rendered invalid. A patentee, whether of the whole or any sectional interest therein, may, on payment of the fee required by law, make disclaimer of any complete claim, stating therein the extent of his interest in such patent. Such disclaimer shall be in writing and recorded in the Patent and Trademark Office, and it shall thereafter be considered as part of the original patent to the extent of the interest possessed by the disclaimant and by those claiming under him.
In like manner any patentee or applicant may disclaim or dedicate to the public the entire term, or any terminal part of the term, of the patent granted or to be granted.

(Amended Jan. 2, 1975, Public Law 93-596, sec. 1, 88 Stat. 1949.)

37 C.F.R. §1.321 sets forth, *in toto*:

(a) A patentee owning the whole or any sectional interest in a patent may disclaim any complete claim or claims in a patent. In like manner any patentee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of the patent granted. Such disclaimer is binding upon the grantee and its successors or assigns. A notice of the disclaimer is published in the Official Gazette and attached to the printed copies of the

specification. The disclaimer, to be recorded in the Patent and Trademark Office, must:
(1) Be signed by the patentee, or an attorney or agent of record;
(2) Identify the patent and complete claim or claims, or term being disclaimed. A disclaimer which is not a disclaimer of a complete claim or claims, or term will be refused recordation;
(3) State the present extent of patentee's ownership interest in the patent; and
(4) Be accompanied by the fee set forth in § 1.20(d).
(b) An applicant or assignee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of a patent to be granted. Such terminal disclaimer is binding upon the grantee and its successors or assigns. The terminal disclaimer, to be recorded in the Patent and Trademark Office, must:
(1) Be signed:
(i) By the applicant, or
(ii) If there is an assignee of record of an undivided part interest, by the applicant and such assignee, or
(iii) If there is an assignee of record of the entire interest, by such assignee, or
(iv) By an attorney or agent of record;
(2) Specify the portion of the term of the patent being disclaimed;
(3) State the present extent of applicant's or assignee's ownership interest in the patent to be granted; and
(4) Be accompanied by the fee set forth in § 1.20(d).
(c) A terminal disclaimer, when filed to obviate judicially created double patenting in a patent application or in a reexamination proceeding except as provided for in paragraph (d) of this section, must:
(1) Comply with the provisions of paragraphs (b)(2) through (b)(4) of this section;
(2) Be signed in accordance with paragraph (b)(1) of this section if filed in a patent application or in accordance with paragraph (a)(1) of this section if filed in a reexamination proceeding; and
(3) Include a provision that any patent granted on that application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the judicially created double patenting.
(d) A terminal disclaimer, when filed in a patent application or in a reexamination proceeding to obviate double patenting based upon a patent or application that is not commonly owned but was disqualified under 35 U.S.C. 103(c) as resulting from activities undertaken within the scope of a joint research agreement, must:
(1) Comply with the provisions of paragraphs (b)(2) through (b)(4) of this section;
(2) Be signed in accordance with paragraph (b)(1) of this section if filed in a patent application or be signed in accordance with paragraph (a)(1) of this section if filed in a reexamination proceeding;
(3) Include a provision waiving the right to separately enforce any patent granted on that application or any patent subject to the reexamination proceeding and the patent or any patent granted on the application which formed the basis for the double patenting, and that any patent granted on that application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent and the patent, or any patent granted on the application, which formed the basis for the double patenting are not separately enforced.

[47 FR 41281, Sept. 17, 1982, effective Oct. 1, 1982; revised, 58 FR 54504, Oct. 22, 1993, effective Jan. 3, 1994; para. (c) revised, 61 FR 42790, Aug. 19, 1996, effective Sept. 23, 1996; para (d) added, 70 FR 1818, Jan. 11, 2005, effective Dec. 10, 2004; paras. (c) and (d) revised, 70 FR 54259, Sept. 14, 2005, effective Sept. 14, 2005]

37 C.F.R. § 1.183 sets forth, *in toto*:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

[47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003]

37 C.F.R. § 1.135(a) sets forth, *in toto*:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

Analysis

In order to submit a grantable petition under 37 C.F.R. 1.183, the University must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).

The University has not established that either condition exists in this case. The circumstances of this case do not demonstrate an extraordinary situation, much less one where justice requires waiver of the rules.

The existence of an extraordinary situation

The PTO has a well established and well publicized practice by which practitioners may obviate a nonstatutory double patenting rejection: the presentation of a terminal disclaimer, executed by each of the applicants and assignees of record of an undivided part interest.

With the present application, it is clear that two of the patent owners do not wish for the assignee of a part interest to disclaim the terminal portion of the term of the patent, should this application mature into the same. There does not appear to

be anything extraordinary about Petitioner's situation, where the applicants do not agree with the method of prosecution that the assignee of a partial interest has chosen.

The question of whether justice requires the waiver of the rule

If the Office were to permit this assignee of a part interest to secure the entry of this terminal disclaimer, against the wishes of two of the three patent owners, the ownership rights of the latter would be detrimentally affected, in that these three patents would be bundled together.

Pursuant to Rule §1.321(c)(3), any patent granted on this application would be enforceable only for and during such period that said patent is commonly owned with patent numbers 6,793,890 and 6,586,713.

Moreover, pursuant Rule §1.321(d)(3), the terminal disclaimer must contain a provision waiving the right to separately enforce any patent granted on this application, 6,793,890, and 6,586,713. Furthermore, any patent granted on that application would be enforceable only for and during such period that said patent, 6,793,890, and 6,586,713 are not separately enforced.

As such, justice does not require that the Office accept a terminal disclaimer that has been unilaterally executed by one of the three patent owners, contrary to the wishes of the other two.

The petition under 37 C.F.R. §1.183, filed on May 22, 2006, requesting the waiver of Rule §1.321 is **DISMISSED.**

Rosewood's Request to Revoke the Power of Attorney

Applicable Rule

37 C.F.R. §1.36(a) sets forth, in toto:

(a) A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceedings of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant. A power of attorney to the patent practitioners associated with a Customer Number will be treated as a request to revoke any powers of attorney previously given. Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth in § 1.17(h) (emphasis added). A registered patent attorney or patent agent will be notified of the revocation of the power of attorney. Where power of attorney is given to the

patent practitioners associated with a Customer Number (§ 1.32(c)(2)), the practitioners so appointed will also be notified of the revocation of the power of attorney when the power of attorney to all of the practitioners associated with the Customer Number is revoked. The notice of revocation will be mailed to the correspondence address for the application (§ 1.33) in effect before the revocation. An assignment will not of itself operate as a revocation of a power previously given, but the assignee of the entire interest of the applicant may revoke previous powers of attorney and give another power of attorney of the assignee's own selection as provided in § 1.32(b).

Analysis

In order to submit a grantable petition under 37 C.F.R. §1.36(a), Rosewood must show that sufficient cause exists to require the revocation of power of attorney by fewer than all of the applicants. Petitioner has made such a showing.

With the present petition, the Essenfelds, by and through Practitioner Mark Ungerman at Fulbright & Jaworski LLP, seek to unilaterally revoke all previous powers of attorney, although they do not appear to seek the appointment of Mr. Ungerman as counsel of record.

The petition under 37 C.F.R. §1.136 will be held in abeyance. Petitioners should understand that should this petition be granted, to the extent that the power of attorney granted to the law firm of Nixon and Vanderhye by the Essenfields is revoked, **all further correspondence to the Office will need to be signed by both Harold Essenfeld and Ervin Essenfeld, and likewise signed by a representative of Nixon and Vanderhye, the law firm which continues to represent the University of Miami, the assignee of Mr. Morales' rights in the application. Each attorney or agent signing any subsequent paper will need to indicate whom he or she represents. All parties are reminded that dual correspondence is not permitted, and will not be undertaken by this Office.** The Office would continue to conduct correspondence with the attorneys first named in the application, Nixon and Vanderhye, at the correspondence address of record noted above, which would also be responsible for coordinating replies or submissions to this Office[3].

All parties should be aware of the adverse consequences of the granting of the request for a partial revocation of power of attorney.

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3 See MPEP 402.10.

Should Rosewood wish for the Office to grant this request, a renewed petition should be filed, with words to this effect.

Conclusion

The petition under 37 C.F.R §1.136, filed on August 10, 2006, is **DISMISSED.**

The petition under 37 C.F.R §1.183, filed on May 22, 2006, is **DISMISSED.**

The petitions under 37 C.F.R. §1.182, filed on September 18, 2006, October 24, 2006, and November 1, 2006, are each **DISMISSED.**

The University's request to waive Rule §1.321 will not be granted.

Rosewood's request to revoke the power of attorney and require all parties to sign all papers submitted to the Office has been held in abeyance.

This is not a final agency action within the meaning of 5 U.S.C 704.

NOTICE:

Any request for reconsideration of the decision pursuant 37 C.F.R. §1.183 pertaining to the University's request to effectuate a terminal disclaimer without the participation of all assignees must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. Failure to respond will result in abandonment of the application. The request for reconsideration should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.183," and should only address the deficiencies noted in this decision.

Thereafter, there will be no further reconsideration of this matter[4, 5].

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4 For more than a century, punctuality and due diligence, equally with good faith, have been deemed essential requisites to the success of those who seek to obtain the special privileges of the patent law, and they are demanded in the interest of the public and for the protection of rival inventors. See: Porter v. Louden, 7 App.D.C. 64 (C.A.D.C. 1895), citing Wollensak v. Sargent, 151 U.S. 221, 228, 38 L. Ed. 137, 14 S. Ct. 291 (1894). An invention benefits no one unless it is made public, and the rule of diligence should be so applied as to encourage reasonable promptness in conferring this benefit upon

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[6], hand-delivery[7], or facsimile[8]. If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Placing anything other than the address listed below will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[9]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

cc: Mark Ungerman
Fulbright & Jaworski LLP
801 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2615

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the public. Automatic Electric Co. v. Dyson, 52 App. D.C. 82; 281 F. 586 (C.A.D.C. 1922). Generally, 35 U.S.C. §6; 37 C.F.R.§§1.181, 182, 183.

5 If, on the renewed petition, Petitioner's representative fails to satisfy the showings burden required: (a) the resulting decision may be one viewed as final agency action; and (b) provisions for reconsideration, such as those at 37 C.F.R. §1.137(e), will **not** apply to that decision.

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

8 (571) 273-8300- please note this is a central facsimile number.

9 Petitioner's representative will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner's representative is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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FEB 16 2007

OFFICE OF PETITIONS

In re Application of :
Azorides Morales, Harold :
Essenfeld and Ervin Essenfeld :
Application No. 10/400,060 : DECISION ON THE PETITION
Filing Date: March 27, 2003 : UNDER 37 C.F.R. §1.36(a) AND
Attorney Docket Number: 4052-74 : THE TWO PETITIONS UNDER 37
Title: HIGH QUALITY, CONTINUOUS : UNDER 37 C.F.R. §1.182
THROUGHPUT, TISSUE PROCESSING :

This is a decision on the petition pursuant to 37 C.F.R. §1.182, requesting that Rosewood's request be denied, filed by the University of Miami (University) on January 4, 2007, the petition pursuant to 37 C.F.R. §1.36(a) for partial revocation of the power of attorney, filed by Rosewood Consulting Limited (Rosewood) on January 18, 2007, and the petition pursuant to 37 C.F.R. §1.182 to withdraw a portion of a previously mailed decision, filed by Rosewood on January 18, 2007.

Joint inventor Morales assigned his interest in the present application to the University. Harold Essenfeld and Ervin Essenfeld have assigned their interests in the present application to Rosewood. The University has entered into an agreement with the Essenfelds where it is the exclusive licensee of this application.

Procedural History

A plurality of petitions have been filed:

- The University filed a petition on May 22, 2006, pursuant to 37 C.F.R. § 1.183, seeking the waiver of 37 C.F.R. §1.321 so that a terminal disclaimer may be filed without the signatures of two of the three inventors.
- Rosewood filed a petition pursuant to 37 C.F.R. §1.36(a), on August 10, 2006, requesting the revocation of the power of attorney appointed to the law firm representing the University (Nixon and Vanderhye), and further requesting that the Office require that all future papers submitted to the Office be executed by all applicants of record.
- On September 18, 2006, the University filed an "opposition to Rosewood's Petition under 37 C.F.R. §1.36(a)," which was properly treated as a petition under 37 C.F.R. §1.182.
- On October 24, 2006, Rosewood filed what is essentially an opposition to the opposition of September 18, 2006, entitled "reply to opposition to petition under 37 C.F.R. §1.36(a)," which was properly treated as a petition under 37 C.F.R. §1.182.
- On November 1, 2006, the University filed an opposition to the opposition to the opposition of September 18, 2006, entitled "supplemental opposition to Rosewood's petition," which was properly treated as a petition under 37 C.F.R. §1.182.

The present application was filed on March 27, 2003, as a continuation of application number 09/736,388, which issued as U.S. patent number 6,586,713 on July 1, 2003. The present application claims priority to provisional application number 60/056,102, filed on August 20, 1997. On December 20, 2005, a non-final Office action was mailed, rejecting claims 21-25 as unpatentable over claims contained in U.S. Patent number 6,793,890 (which was filed as application number 09/735,918 on December 14, 2000 and claims priority to provisional application number 60/056,102) and claims 16-25 as unpatentable over claims contained in U.S. patent number 6,586,713.

On January 4, 2007, a decision was mailed which dismissed the University's request for the Office to enter the terminal disclaimer without the signatures of the Essenfelds as moot. The decision indicated:

> All parties should be aware that under the status quo, an attorney of record who represents all the parties may sign the terminal disclaimer, pursuant to Rule §1.321(a)(1).

The decision further held Rosewood's request to revoke the power of attorney in abeyance, indicating:

> Should Rosewood wish for the Office to grant this request, a renewed petition should be filed, with words to this effect.

The University's request to dismiss Rosewood's request for revocation of the power of attorney:

This request was filed on the same day that the above-mentioned decision was mailed, and as such, was not previously considered. The request is properly treated as a petition under 37 C.F.R. §1.182. The petition fee has been charged to the Deposit Account of the representative of the University, as authorized in the petition.

The University, by and through it's representative, has asserted

> Rosewood fails to sustain its burden of showing sufficient cause because this is not an extraordinary situation where justice requires waiver of the requirement under 37 CFR §1.36(a) that assignees of the entire interest (emphasis included) revoke a power of attorney.

The University's assertion has been considered, and it has not been deemed to be persuasive. Rule §1.36(a) does not require that an assignee be an assignee of the entire interest in order to revoke a power of attorney - fewer than all of the applicants (or fewer than all of the assignees of the entire interest of the applicant) may revoke the power of attorney "upon a showing of sufficient cause, and payment of the petition fee set forth in § 1.17(f)."

It has been determined that Rosewood has provided sufficient cause, and has paid the required petition fee. As such, the University's request must be **DISMISSED**.

Rosewood's Request to Revoke the Power of Attorney

The decision of January 4, 2007 indicated that Rosewood had provided the required showing pursuant to 37 C.F.R. §1.36(a) - that sufficient cause exists so as to require the revocation of power of attorney by fewer than all of the applicants. The decision further indicated that the petition would be held in abeyance, and should Rosewood wish for the Office to grant this request, a renewed petition would need to be filed, with words to this effect.

On renewed petition, Rosewood has again requested the Office to grant the request for partial revocation of power of attorney.

It is noted in passing that pursuant to MPEP §402.02, a revocation of a power of attorney becomes effective on the date that the revocation is received in the Office, and not on the date of acceptance. This partial revocation of power of attorney was received in the Office on January 18, 2007.

Rosewood's request is **GRANTED**.

The power of attorney granted to the law firm of Nixon and Vanderhye by the Essenfields is revoked.

All further correspondence to the Office will need to be signed by both Harold Essenfeld and Ervin Essenfeld, and likewise signed by a representative of Nixon and Vanderhye, the law firm which continues to represent the University of Miami, the assignee of Mr. Morales' rights in the application. Each attorney or agent signing any subsequent paper will need to indicate whom he or she represents. All parties are reminded that dual correspondence is not permitted, and will not be undertaken by this Office.

The Office will continue to conduct correspondence with the attorneys first named in the application, **Nixon and Vanderhye**, at the correspondence address of record noted above, **which will also be responsible for coordinating replies or submissions to this Office.**

See MPEP 402.10.

Rosewood's request that a particular sentence be withdrawn from the decision of January 4, 2007:

Rosewood's request is properly treated as a petition pursuant to 37 C.F.R. §1.182. The required petition fee has been charged to the Deposit Account of Petitioner's Representative, as authorized in the petition.

Petitioner's representative has requested that the Office withdraw the following sentence, which appears on two of the decision: "the declaration of facts sets forth that although Mr. Romero does not appear to be registered to practice before the Office, he has taken it upon himself to advise his clients on matters of patent prosecution (emphasis included), such as the filing of a terminal disclaimer and the amendment of claims." Petitioner's representative has further requested the withdrawal

of the footnote which cites to Mr. Romero declaration, paragraphs 9-13 and 15, as well as various included e-mails.

Petitioner's representative has asserted that "questions as to whether Mr. Romero sought or relied on advice from registered patent counsel is in no way germane to any matter submitted for decision in the PETITION (emphasis included)."

The undersigned does not appreciate the significance of the issue of whether or not Mr. Romero sought or relied on advice from registered patent counsel, since this issue was not raised in the decision of January 4, 2007. The decision merely pointed out that Mr. Romero is not a registered member of the patent bar, and pointed to several facts which Mr. Romero had attested to. The statement in question correctly indicated that Mr. Romero had taken it upon himself to advise his clients on matters of patent prosecution, as evinced by Mr. Romero's declaration and copies of his e-mails, which were provided to the Office by the University, by and through their representative.

It is noted that Petitioner's Representative has not asserted that the statement in question is incorrect.

Mr. Romero has attested:

- he is not, and has never been registered to practice before the Office[1];
- he was in communication with an attorney who represents the University, regarding the terminal disclaimer[2];
- he requested the attorney to explain "the reasons for the terminal disclaimer document," as well as "the new claims, the inventors as to each new claim...and whether the claim(s) have been put to practice[3];
- he discussed the amendment with the Essenfelds[4], and;
- he discussed the terminal disclaimer with the Essenfelds[5].

Mr. Romero has thus attested that he is not a registered practitioner, and that he was involved in discussing the terminal disclaimer, the claims, inventorship issues, and reduction to practice of the claims with the Essenfields. He has further included copies of e-mails and letters. As such, it appears that the statement "Mr. Romero does not appear to be registered to

1 Romero declaration, paragraph 1.
2 Id. at 9.
3 Id. at 10.
4 Id. at 11.
5 Id at 13.

practice before the Office [and] he has taken it upon himself to advise his clients on matters of patent prosecution" was accurate. Therefore, the statement will not be withdrawn.

Rosewood's request for the Office to withdraw a statement that appears to be correct must be **DISMISSED.**

Conclusion

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[6]. 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

6 Petitioner's representative will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner's representative is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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Paper No. None

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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NOV 0 5 2007

OFFICE OF PETITIONS

In re Application of :
Azorides Morales, Harold :
Essenfeld and Ervin Essenfeld :
Application No. 10/400,060 : DECISION ON THE RENEWED
Filing Date: March 27, 2003 : PETITION UNDER
Attorney Docket Number: 4052-74 : 37 C.F.R. § 1.182
Title: HIGH QUALITY, CONTINUOUS :
THROUGHPUT, TISSUE PROCESSING :

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.182, requesting that the Office lift a previously made requirement.

Joint inventor Morales assigned his interest in the present application to the University. Harold Essenfeld and Ervin Essenfeld assigned their interests in the present application to Rosewood. The University entered into an agreement with the Essenfelds where it is the exclusive licensee of this application.

Procedural History

A plurality of petitions have been filed:

- The University filed a petition on May 22, 2006, pursuant to 37 C.F.R. § 1.183, seeking the waiver of 37 C.F.R. § 1.321 so that a terminal disclaimer may be filed without the signatures of two of the three inventors.
- Rosewood filed a petition pursuant to 37 C.F.R. § 1.36(a), on August 10, 2006, requesting the revocation of the power

of attorney appointed to the law firm representing the University (Nixon and Vanderhye), and further requesting that the Office require that all future papers submitted to the Office be executed by all applicants of record.

- On September 18, 2006, the University filed an "opposition to Rosewood's Petition under 37 C.F.R. § 1.36(a)," which was properly treated as a petition under 37 C.F.R. § 1.182.
- On October 24, 2006, Rosewood filed what is essentially an opposition to the opposition of September 18, 2006, entitled "reply to opposition to petition under 37 C.F.R. § 1.36(a)," which was properly treated as a petition under 37 C.F.R. § 1.182.
- On November 1, 2006, the University filed an opposition to the opposition to the opposition of September 18, 2006, entitled "supplemental opposition to Rosewood's petition," which was properly treated as a petition under 37 C.F.R. § 1.182.

The present application was filed on March 27, 2003, as a continuation of application number 09/736,388, which issued as U.S. patent number 6,586,713 on July 1, 2003. The present application claims priority to provisional application number 60/056,102, filed on August 20, 1997. On December 20, 2005, a non-final Office action was mailed, rejecting claims 21-25 as unpatentable over claims contained in U.S. Patent number 6,793,890 (which was filed as application number 09/735,918 on December 14, 2000 and claims priority to provisional application number 60/056,102) and claims 16-25 as unpatentable over claims contained in U.S. patent number 6,586,713.

On February 16, 2007, a decision was mailed which indicated:

> The power of attorney granted to the law firm of Nixon and Vanderhye by the Essenfields is revoked.
>
> All further correspondence to the Office will need to be signed by both Harold Essenfeld and Ervin Essenfeld, and likewise signed by a representative of Nixon and Vanderhye, the law firm which continues to represent the University of Miami, the assignee of Mr. Morales' rights in the application. Each attorney or agent signing any subsequent paper will need to indicate whom he or she represents. All parties are reminded that dual correspondence is not permitted, and will not be undertaken by this Office.
>
> The Office will continue to conduct correspondence with the attorneys first named in the application, Nixon and Vanderhye, at the correspondence address of record noted above, which will also be responsible for coordinating replies or submissions to this Office.

Analysis

On September 17, 2007, Applicant submitted an assignment from Rosewood to the University of Miami.

With the present petition, Petitioner has requested the lifting of that the preveniently made requirement that all correspondence to the Office be signed by both Harold Essenfeld, Ervin Essenfeld, and likewise signed by a representative of Nixon and Vanderhye (the law firm which continues to represent the University of Miami, the assignee of Mr. Morales' rights in the application).

In view of the change of assignment of the present application, Petitioner's request is hereby **GRANTED**.

Conclusion

All submissions that are signed only by Nixon and Vanderhye, the (the law firm which continues to represent the University of Miami, the assignee of Mr. Morales' rights in the application), will be accepted. The requirement that the Essenfelds must sign all papers has been lifted.

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 present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[1]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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OFFICE OF PETITIONS

In re Application of :
MORALES, et al. :
Application No. 10/400,060 : DECISION GRANTING PETITION
Filed: March 27, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **GRT/4052-74** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 18, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on March 14, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3723 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

Correspondence Address for 10/400060

Customer Number	Contact Information	Address
23117 Delivery Mode: PAPER	Telephone: (703)816-4000 Fax: No Fax # E-Mail: No E-Mail Address	NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON VA 22203

Search Another: Application # Search **or Patent#** Search

PCT / / Search **or PG PUBS #** Search

Attorney Docket # Search

Bar Code # Search

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Back to OASIS | Home page

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 10400060 Total Records Found: 36

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
04/21/2008	00006821	4	1464	$130.00	04/18/2008	CC
04/21/2008	00006822	4	1801	$810.00	04/18/2008	CC
03/17/2008	00000132	1	1501	$1,440.00	03/14/2008	CC
03/17/2008	00000134	1	8001	$15.00	03/14/2008	CC
03/17/2008	00000133	1	1504	$300.00	03/14/2008	CC
11/05/2007	00000005	4	1464	-$130.00	10/17/2007	OP
11/05/2007	00000006	1	1462	$270.00	10/17/2007	DA 141140
11/05/2007	00000007	1	1462	$130.00	10/17/2007	CC
10/31/2007	00012697	4	1806	$180.00	10/31/2007	CC
10/18/2007	00006954	4	1464	$130.00	10/17/2007	CC
09/27/2007	00000310	1	1401	$500.00	09/26/2007	CC
09/18/2007	00000273	4	1814	$130.00	09/17/2007	CC
09/18/2007	00000274	4	1253	$1,020.00	09/17/2007	CC
05/21/2007	00000020	1	1462	-$400.00	11/01/2006	DA 141140
05/17/2007	00000021	1	1806	-$180.00	01/24/2007	DA 141140
03/13/2007	00000001	1	1806	$180.00	01/24/2007	DA 141140
02/16/2007	00000041	1	1462	$400.00	11/01/2006	DA 141140
02/16/2007	00000042	1	1462	$400.00	01/18/2007	DA 062375
01/04/2007	00000008	1	1462	$140.00	09/18/2006	DA 141140
01/04/2007	00000009	1	1462	$260.00	09/18/2006	CK
01/04/2007	00000012	1	1462	$400.00	08/10/2006	DA 062375
01/04/2007	00000011	1	1462	$400.00	10/24/2006	DA 062375
01/04/2007	00000010	1	1462	$400.00	11/01/2006	DA 141140
01/04/2007	00000007	1	1464	-$130.00	05/22/2006	OP
01/04/2007	00000006	1	1814	-$130.00	05/22/2006	OP
08/11/2006	00000058	1	1462	$400.00	08/10/2006	CK
07/14/2006	00000323	4	8021	$40.00	07/14/2006	CC
05/30/2006	00000001	1	1202	$50.00	05/22/2006	DA 141140
05/23/2006	00000112	1	1252	$450.00	05/22/2006	CK
05/23/2006	00000113	1	1814	$130.00	05/22/2006	CK
05/23/2006	00000114	1	1464	$130.00	05/22/2006	CK
12/01/2004	00000074	1	8021	$40.00	11/29/2004	CK

07/11/2003	00000090	1	1001	$750.00	07/10/2003	CK
07/11/2003	00000091	1	1202	$90.00	07/10/2003	CK
07/11/2003	00000092	1	1201	$252.00	07/10/2003	CK
07/11/2003	00000093	1	1051	$130.00	07/10/2003	CK

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
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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)
6888493	2005-05-03	10400072	2003-03-27	4590-137

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

SMALL ENTITY

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

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

	Fee	Code
◉	3 ½ year	(1551)
○	7 ½ year	(1552)
○	11 ½ year	(1553)

Small Entity

	Fee	Code
○	3 ½ year	(2551)
○	7 ½ year	(2552)
○	11 ½ year	(2553)

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Kenneth M. Berner/	Date (YYYY-MM-DD)	2009-10-20
Name	Kenneth M. Berner	Registration Number	37093

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. 6888493
Issue Date: May 3,2005
Application No. 10400072
Filed: March 27,2003
Attorney Docket No. 4590-137

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

This is a decision on the electronic petition, filed October 20,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of October 20,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

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ALFRED A. STADNICKI
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

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OFFICE OF PETITIONS

In re Application of	:	
Kozee et al.	:	DECISION ON PETITION
Application No. 10/400,081	:	TO WITHDRAW
Filed: March 27, 2003	:	FROM RECORD
Attorney Docket No. 23952-0150	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 28, 2005.

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

A review of the file record indicates that on August 8, 2005 the power of attorney to Antonelli, Terry, Stout & Kraus, LLP was revoked by the assignee of the patent application. 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 below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Sutherland II
Sutherland, Asbill & Brennan, LLC
999 Peachtree Street
Atlanta GA 30309

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TECHNOLOGY CENTER 3600

KELLY A. MERKEL ESQ.
100 DUDLEY STREET, APT. 2343
JERSEY CITY, NJ 07302

In re application of
John Pinizzotto
Application No. 10/400,102
Filed: March 26, 2003
For: SECURED PURCHASE TRANSACTION

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the petition filed on March 20, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special under accelerated examination under 37 C.F.R. § 1.102(d) is not acceptable because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on March 20, 2007 the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Kenneth J. Dorner, Quality Assurance Specialist, at (571) 272-6587.

Kenneth J. Dorner
Quality Assurance Specialist
Technology Center 3600

KJD/dew: 05/02/07

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Paper No. 06

MAR - 2 2004

Kirschstein, Ottinger, Israel & Schiffmiller, P.C.
489 Fifth Avenue
New York NY 10017-6105

In re Application of:	:	
Robert S. Steffans and Ben Shepard	:	
Application No. 10/400,124	:	DECISION ON PETITION
Filed: March 26, 2003	:	TO MAKE SPECIAL
For: PAGE TURNING ARRANGEMENT	:	

This is a decision on the petition under 37 C.F.R. § 1.102, filed July 11, 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 Ben Shepard's official identification card 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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JUN 2 2004

Office of the Director
Group 3600

Boris Konstantinovskiy
Apt. 5 J
125 Beach 19 St.
Far Rockaway, NY 11691

In re application of : **DECISION ON PETITION**
Boris Davidovich Konstantinovskiy et al. : **TO MAKE SPECIAL**
Application No. 10/400,126 : **(APPLICANT'S AGE)**
Filed: March 26, 2003 :
For: DECREASE OF LOSS FROM THE FLOOD

This is a decision on the petition submitted on June 16, 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 Mr. Konstantinovskiy, 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**.

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

KJD/vdb: 5/20/04

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OFFICE OF PETITIONS

In re Patent No. 7,112,587	:	
Issued : September 26, 2006	:	
Application No. 10/400,134	:	ON PETITION
Filed: March 26, 2003	:	
Attorney Docket No. R18631 1062.0	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed June 27, 2005, to change the name of an inventor.

The petition is **GRANTED.**

The name will be changed from BHATLAPENUMARTHY SESHA SRIDEVI to SESHA SRIDEVI ALLURI.

The instant application matured into Patent No. 7,112,587 on September 26, 2006. Therefore, the printing of the patent did not include the correct inventor's name on the front page of the Letters Patent. Petitioner may request a certificate of correction pursuant to the provisions of 37 CFR 1.323 and pay the required fee of $100.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RICHARD T. OGAWA
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO ENBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

MAY 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Migimatsu et al.	:	DECISION ON PETITION
Application No. 10/400,155	:	TO WITHDRAW
Filed: March 25, 2003	:	FROM RECORD
Attorney Docket No. 017991-000212US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 24, 2005.

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

A review of the file record indicates that on March 30, 2006 the power of attorney to Townsend and Townsend and Crew, LLP was revoked by the assignee of the patent application. 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 below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Zytek Communications Corporation
One Market Street, Spear Tower
Suite 3600
San Francisco CA 94105

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DENNIS KOVACH THERMAGE, INC.
4058 POINT EDEN WAY
HEYWARD, CA 94545

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NOV 18 2005

OFFICE OF PETITIONS

In re Application of :
Roger A. Stern et al :
Application No. 10/400,156 : ON PETITION
Filed: May 25, 2003 :
Attorney Docket No. 39238-0018 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 14, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 10, 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 April 11, 2005.

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

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This matter is being referred to Technology Center AU 3739 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc:

William R. Allen
Wood, Herron & Evans, L.L.P.
441 Vine Street
2700 Carew Tower
Cincinnati, OH 45202

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DIGIMARC CORPORATION
9405 SW GEMINI DRIVE
BEAVERTON, OR 97008

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OCT 10 2006

OFFICE OF PETITIONS

In re Application of :
Geoffrey B. Rhoads :
Application No. 10/400,159 : ON PETITION
Filed: March 25, 2003 :
Attorney Docket No.: P0815 :

This is a decision on the petition, filed October 5, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2624 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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FISH & RICHARDSON, P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Michael Rey	: DECISION ON REQUEST FOR
Patent Number	: 7584192	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/400,172	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/26/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1275** 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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FISH & RICHARDSON, P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 05/17/2010

Applicant : Michael Rey
Patent Number : 7584192
Issue Date : 09/01/2009
Application No: 10/400,172
Filed : 03/26/2003

: 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 **1309** 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20061004

DATE : October 4, 2006

TO SPE OF : ART UNIT 2138

SUBJECT : Request for Certificate of Correction on Patent No.: 7,089,475

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:

The request for replacement of the formal Drawings for US Patent No. 7,089,475, dated on 8/21/06 is approved.

ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

SPE: Albert Decady **Art Unit** 2138

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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

MAIL

OCT 14 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
Ian MES, et al.
Application No. 10/400,184
Filed: March 25, 2003
For: SYSTEM AND METHOD FOR REDUCING ACCESS LATENCY TO SHARED PROGRAM MEMORY

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed September 27, 2004.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is **GRANTED**.

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

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

cc: Kris V. Kalidindi, Esq.
Potomac Patent Group, PLLC
2010 Corporate Ridge, Suite 700
McLean, VA 22102

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Kris V. Kalidindi, Esq.
Potomac Patent Group, PLLC
2010 Corporate Ridge, Suite 700
McLean, VA 22102

MAIL

AUG 2 9 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
Ian MES
Application No. 10/400,184
Filed: March 25, 2003
For: SYSTEM AND METHOD FOR REDUCING ACCESS LATENCY TO SHARED PROGRAM MEMORY

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

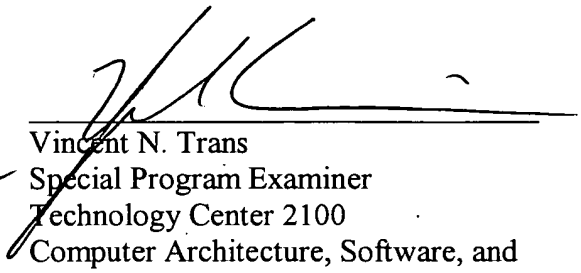
This is a decision on the Request To Withdraw from Representation filed on August 5, 2005.

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. **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.

An Office action was mailed on March 3, 2005. Therefore, as of the mailing of this decision, less than thirty days remain in the maximum extendable period for response to the Office action.

Accordingly, the request is **DENIED**.

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



Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 020805

Townsend, Townsend & Crew
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

FEB - 9 2005

In re Application of:	:	
Bonnie I. Wang et al.	:	DECISION ON REQUEST TO WITHDRAW
Serial No.: 10/400,191	:	FROM RECORD
Filed: March 25, 2003	:	
Attorney Docket No.: **15114-052920US**	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed January 29, 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 Fish & Neave was filed on February 20, 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 Edward Westin at (571) 272-1638.

Edward Westin

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

cc: Fish & Neave
1251 Ave. of the Americas
FL C3
New York, NY 10020-1105

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Paul E. Schaafsma
521 W. Superior, Suite 221
Chicago IL 60610

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MAY 28 2009

OFFICE OF PETITIONS

In re Application of :
MARLOWE-NOREN, JOANNE :
Application No. 10/400,211 : DECISION ON PETITION
Filed: 03/27/2003 :
Attorney Docket No. 024612-0102 :

This is a decision on the petition under 37 CFR 1.137(a), filed December 8, 2008, to revive the above-identified application.

This application was held abandoned for failure to file a timely and proper response to the Restriction Requirement mailed on November 28, 2007, which set a period of one month or thirty days, whichever was later, for reply. Accordingly, the application became abandoned on December 29, 2007. A Notice of Abandonment was mailed on September 2, 2008.

The present petition satisfies the requirements of 37 CFR 1.137(a). Petitioner submitted the required reply, paid the petition fee, and a provided a showing to the satisfaction of the Director that the entire delay was unavoidable.

This matter is being referred to Technology Center Art Unit 3693 for a review of the reply filed with the present petition.

Telephone inquiries concerning this decision 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
P.O. Box 1450
Alexandria, VA 22313-1450
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HEWLETT-PACKARD DEVELOPMENT COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
P.O. BOX 272400
FORT COLLINS, CO 80527-2400

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FEB 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Lumb et al.	:	
Application No. 10/400,232	:	ON PETITION
Filed: March 27, 2003	:	
Attorney Docket No. 200210171-1	:	

This is a decision on the petition filed January 22, 2008, requesting that the above-identified application be accorded a filing date of March 27, 2003, rather than the presently accorded date of March 28, 2003. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on March 27, 2003, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EU 687336086 US, showing a handwritten "date-in" of "3-27," as well as a "27 2003 MAR" receipt stamp. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal." Additionally, the Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated March 27, 2003, on the cover page for the application papers.

In view of the above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on March 27, 2003.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(c) does not require a petition fee and none has been charged.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of March 27, 2003, along with a corrected filing receipt.** Thereafter, the matter will be referred to Technology Center 2100 for examination in due course.

Telephone inquiries concerning this matter may be directed the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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INDIANO VAUGHAN LLP
ONE N. PENNSYLVANIA STREET
SUITE 1300
INDIANAPOLIS IN 46204

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DEC 17 2007

OFFICE OF PETITIONS

In re Application of :
HUDSON, JIMMY :
Application No. 10/400,236 : DECISION ON PETITION
Filed: 03/27/2003 :
Attorney Docket No. 3052-0004 :

This is a decision on the "PETITION TO WITHDRAW NOTICE OF ABANDONMENT UNDER 37 C.F.R. SECTION 1.181," filed November 7, 2007.

On February 23, 2007, the Office mailed a Restriction Requirement, which set a statutory period of one month or thirty (30) days, whichever was longer, to reply. In the apparent absence of a timely reply, the Office mailed a Notice of Abandonment on November 1, 2007.

In the present petition, petitioner asserted that he submitted a timely reply, accompanied by a request for an extension of time for response within the fourth month (and fee), on July 5, 2007. Petitioner stated that he incorrectly identified Application No. 10/994,996 on the front page of the "AMENDMENT UNDER 37 C.F.R. § 1.111" instead of the intended Application No. 10/400,236. Petitioner stated that he correctly listed the Applicant, Title, Filing Date and Examiner's name on the Amendment. Furthermore, the correct Application No. 10/400,236 was listed correctly on the Transmittal Sheet and the return postcard. Petitioner averred that the response should have been matched with the appropriate file, and the application should have proceeded forward. In support of the assertion, petitioner provided an itemized, returned postcard receipt with a USPTO date stamp of July 5, 2007.

After a brief search, the Transmittal Sheet, the Amendment, and the request for an extension of time for response within the fourth month were located in the file of Application No. 10/994,996. A review of the correspondence indicates that the USPTO received the papers on July 5, 2007, but they were not matched with the file due to the incorrect application number. However, the extension of time fee was correctly applied to the present application.

Under current Office procedure, if a paper having an incorrect application number contains sufficient information to identify the correct application and was timely received at the Office, the holding of abandonment will be withdrawn. In reviewing the papers, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

For the reasons stated above, the petition is **granted**. The Notice of Abandonment is hereby withdrawn and the application is returned to pending status. The Office transferred the papers, including the reply, filed on July 5, 2007, from Application No. 10/994,996 to the intended Application No. 10/400,236.

The matter is being referred to Technology Center Art Unit 3635 for a review of the amendment filed July 5, 2007.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination process should be directed to the Technology Center.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, DC 20231
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Paper No. 4

JUL 10 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

LOTT & FRIEDLAND, P.A.
P.O. BOX 141098
CORAL GABLES FL 33114-1098

In re Application of:
Weinberg et al.
Application No. 10/400,245
Filed: March 27, 2003
For: POINT TO MULTI-POINT BROADCAST-QUALITY INTERNET VIDEO BROADCASTING SYSTEM WITH SYNCHRONIZED, SIMULTANEOUS AUDIENCE VIEWING AND ZERO-LATENCY

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed March 27, 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 meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. After mailing, the application will be forwarded to the examiner for immediate handling.

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

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BAE SYSTEMS INFORMATION AND
ELECTRONIC SYSTEMS INTEGRATION INC.
65 SPIT BROOK ROAD
P.O. BOX 868 NHQ1-719
NASHUA, NH 03061-0868

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OFFICE OF PETITIONS

In re Application of

Michael Deflumere :

Application No. 10/400,261

: DECISION ON PETITION

Filed: March 28, 2003

:

Attorney Docket No. 20020009US

This is a decision on the petition under 37 CFR 1.137(b), filed June 5, 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 Notice of Non-Compliant Amendment mailed July 6, 2005, which set a shortened period for reply of one (1) month from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on August 7, 2005. A Notice of Abandonment was mailed on May 3, 2006.

The amendment filed June 5, 2006 is noted.

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 application is being forwarded to Technology Center 2800, GAU 2884 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:

Robert K. Tendler
65 Atlantic Avenue
Boston, MA 02110

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#5 DW

NOV 30 2004

Royal W. Craig
Law Offices of Royal W. Craig
Suite 153
10 N. Calvert Street
Baltimore, MD 21202

MAILED

NOV 30 2004

OFFICE OF THE DIRECTOR
TC 3600

In re Application of
Scott Edward Adams
Application No. 10/400,291
Filed: March 25, 2003
For: COLLAPSIBLE, INTERIOR CARGO COMPARTMENT PROTECTIVE LINER

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 October 20, 2004.

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

☒ Postcard receipt being dated March 2, 2004.

☐ USPTO return facsimile receipt dated _____, which references the application by serial number and the amendment that was filed on that date.

☐ Certificate of Mailing/Transmission signed on _____. and supported by a statement under 37 C.F.R. 1.8(b)(3).

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

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

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

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

SNM/rwg: 11/29/04

STEVEN N. MEYERS
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 3600

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CHICAGO, IL 60610

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JAN 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Numata et al.	:	DECISION ON APPLICATION
Application No. 10/400,303	:	FOR
Filed: March 27, 2003	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 9281-4526	:	

This is a decision on the "PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed November 22, 2006. This request is made, in part, on the basis that the Office has failed to issue a patent within 3-years of the actual filing date of the application. In addition, applicants disclose that the period of reduction for applicant delay as of the mailing of the notice of allowance should total 31 days, instead of 30 days.

To the extent that the instant application for patent term adjustment requests reconsideration of the patent term adjustment at the time of the mailing of the notice of allowance as it relates to the Office's failure to issue the patent within 3 years of the filing date, a decision is being held in abeyance until after the actual patent date. Knowledge of the actual date the patent issues is ordinarily 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 § 1.703(b). Thus, this period of adjustment is reflected in the revised patent term adjustment indicated on the patent.

Patentees are given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Patentees may seek such consideration without payment

of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

Nonetheless, applicants are reminded of 35 U.S.C. 154(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including –

> (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

It is noted that a Request for Continued Examination (RCE) was filed in this application on February 15, 2006.

As to the application for patent term adjustment at the time of mailing of the notice of allowance, this request is DISMISSED.

On August 22, 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 to date is 312 days. On November 22, 2006 (certificate of mailing dated November 20, 2006), applicants timely filed the instant application for patent term adjustment[1]. Applicants do not submit a basis for their conclusion that the applicant delay should total 31 days instead of 30 days.

However, a review of the record confirms that 30 days of applicant delay is correct. Pursuant to 37 CFR 1.704(b), a period of reduction of 4 days was entered for applicant taking until August 8, 2005 to file a response to the Office action mailed May 4, 2005 (i.e., for the period from August 5 to 8). Likewise, pursuant to 37 CFR 1.704(b), a period of reduction of 26 days was entered for applicant taking until February 15, 2006

[1] PALM records indicate that the Issue Fee payment was received November 21, 2006.

to file a response in compliance with 37 CFR 1.113(c) to the final Office action mailed October 20, 2005 (i.e., January 21, 2006 to February 15, 2006).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Office of Patent Publication for issuance of the patent.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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LEGAL - INTELLECTUAL PROPERTY
P. O. BOX 2463
HOUSTON TX 77252-2463

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OFFICE OF PETITIONS

In re Application of
Hoe Hin Chuah
Application No. 10/400,317
Filed: March 27, 2003
Attorney Docket No. TH1509(US)

: 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 October 15, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT**.

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

Along with the instant petition under 37 CFR §§ 1.78(a)(6), petitioner has submitted an amendment to the first sentence of the specification following the title to include a reference to the prior-filed provisional application.

The instant pending provisional application was filed on March 27, 2003, and was pending at the time of the filing of the instant petition. While a reference to the prior-filed provisional application was not included in an ADS or in the first sentence of the specification following the title, reference nevertheless was made in the transmittal letter and the declaration filed with the above identified application.

The current procedure where a claim for priority under 37 CFR §§ 1.78(a)(6) 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 with the time period set forth in 37 CFR §§ 1.78(a)(5)(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)(6).[1] In the instant case, the Office noted the claim for priority of the prior-filed provisional application in the transmittal letter filed with the application, as shown by its inclusion on the filing receipt.

In vew of the above, the $130.00 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 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 the Technology Center.

This matter is being referred to Technology Center Art Unit 1732 for appropriate action on the amendment filed October 15, 2004, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 119(e) to the prior-filed provisional application.

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

[1] *Note* MPEP 201.11 (V), page 200-75 (Rev. 1. Feb. 2004 and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

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MARC E. HANKIN, ESQ.
11414 THURSTON CIRCLE
LOS ANGELES, CA 90049

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OFFICE OF PETITIONS

In re Patent of	:	
Farnsworth et al.	:	
Application No. 10/400,318	:	DECISION
Filed: March 27, 2003	:	ON PETITION
Attorney Docket Number:	:	
Farnsworth - 003 - 1	:	

This is a decision in response to the Petition Under 37 CFR § 1.137(b), filed March 7, 2006, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed June 3, 2005. The Office action set a three (3) month period for reply. No extensions of time having been obtained under 37 CFR 1.136(a), this application became abandoned on September 4, 2005. A Notice of Abandonment was mailed December 15, 2005.

With the instant petition, Petitioner has satisfied the requirements of a grantable petition under 37 CFR 1.137(b). A response to the Office action is filed with the instant petition. Accordingly, the petition is granted.

This application is being referred to Technology Center Art Unit 3752 for processing of the Amendment filed with the petition in due course.

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

Derek L. Woods
Attorney
Office of Petitions

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Clifford Kraft
320 Robin Hill Dr.
Naperville IL 60540

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OCT 06 2003

OFFICE OF PETITIONS

In re Application of :
Henry Krigmont :
Application No. 10/400,324 :
Filed: March 26, 2003 :
Attorney Docket No. :

DECISION GRANTING PETITION

This is a decision on the petition filed July 11, 2003, to accord retain the filing date of March 26, 2003.

On March 26, 2003, the application was deposited.

On June 6, 2003, the Office of Initial Patent Examination mailed a Notice stating that a filing date of March 26, 2003, had been accorded the application, but that Figures 7a-7c, 16, 17 as described in the specification appeared to have been omitted.

In response, applicant filed on July 11, 2003, a copy of the Notice with the indication that applicant ". . . elects option III" as provided on the Notice. The response filed July 11, 2003, is being treated as a petition under 37 CFR 1.182.

The Office has determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).1 A review of the record reveals that Claim 28 is a method claims=. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date of March 26, 2003.

In view of the above, the petition is **granted.**

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of March 26, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703)305-0010

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Mailed: 5/17/05

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Paper Number _____

In re application of	:	
Seiichi Kitabayashi	:	DECISION ON
Serial No. 10/400,338	:	PETITION
Filed: March 26, 2003	:	
For: Golf Putter With Orientation Adjustable Putter Shaft	:	

This is a decision on the petition filed on October 5, 2004. The petition requests to rescind the Office Action of February 6, 2004 and to remail the Office Action and restart the response period..

DECISION

The Instant PETITION is accepted as a petition under 37 CFR 1.181(no fee).

A review of the application record indicates that a Revocation and Power of Attorney and change of Address was filed by the assignee on June 18, 2003 and was accepted by the Office on July 11, 2003. The Office Action of February 6, 2004 was sent to the address of record on the file associated with customer number provided.

The petition is **DENIED.**

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

Kendrew H. Colton
Fitch, Even, Tabin & Flannery
1801 K Street, NW
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Washington, DC 20006-1201

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WASHINGTON DC 20035

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OFFICE OF PETITIONS

In re Application of :
Kitabayashi :
Application No. 10/400,338 : ON PETITION
Filed: 26 March, 2003 :
Attorney Docket No. WAKAB80.001AUS :

This is a decision on the petition filed herein on 4 April, 2004, under 37 C.F.R. §1.137(a) and 37 C.F.R. §1.137(b), alleging unavoidable delay and unintentional delay, respectively.

For the reasons set forth below, the petition:

- under 37 C.F.R. §1.137(a) is **DISMISSED**; and
- under 37 C.F.R. §1.137(b) is **GRANTED**.

BACKGROUND

The record indicates that:

- on 18 June, 2003, Applicant and/or prior Counsel filed a Power of Attorney with notification of address, however, while the paper set forth a Washington, DC, mailing address the Customer Number that it noted was linked to a Chicago, IL, address–and at that time the Office properly used the Customer Number to update Office records;
- the Examiner mailed a non-final Office action on 6 February, 2004, and it was directed as specified by the Customer Number to the Chicago, IL, address;
- thereafter, Petitioner failed to reply timely and properly to that non-final Office action of

6 February, 2004, with reply due absent a request and fee for extension of time on or before 6 May, 2004;

- the application was deemed abandoned after midnight 6 May, 2004;
- Petitioner Kendrew H. Colton (Reg. No. 30,368) filed a Notice of Change of Address on 14 September, 2004, behind Petitioner's request that the Office change Petitioner's docket number and further indicating that the "information currently in the PTO records is out of date . . .";
- on 17 September, 2004, Petitioner filed a reply in the form of an amendment which reply was untimely, and also a Request that the Office restart the period for reply;
- the Office mailed the Notice of Abandonment on 1 October, 2004;
- on 2 October, 2004, Petitioner filed a second Request and seeking to have the Office restart the period of reply to the 6 February, 2004, non-final Office action;
- on 4 April, 2005, Petitioner filed the instant petitions to revive, accompanied by fee authorization, and copies of the reply in the form of an amendment (previously and untimely filed on 17 September, 2004), and made an allegation of unavoidable delay (which Petitioner sought to support with only the erroneous allegation that the Office ignored the 18 June, 2003, Power of Attorney) and a statement of unintentional delay;
- on 8 April, 2005, Petitioner filed a Status Request, but mis-identified as a petition to revive the 17 September and 2 October, 2004, requests to restart the period for reply;
- on 17 May, 2005, the Group Director DENIED Petitioner's request to restart the period for reply, citing as the basis therefor the apparently erroneous use by prior Counsel in setting forth the Customer Number to be used by the Office as a Correspondence Address in this application;
- Petitioner re-filed the petition to revive, arguing that his 17 September (and, thus, the 2 October), 2004, Request was intended also to be a "contingent petition" to revive, however, Petitioner does not acknowledge that:

  –the 17 September and 2 October, 2004, papers do not authorize petition fees in connection with the petitions as required by regulation; and

  –although the 18 June, 2003, Transmittal with the Power of Attorney authorizes fees for that filing, that authorization is for

prior Counsel and there appears to be no general authorization for fees thereafter by Petitioner and/or his office;

–moreover, the 17 September and 2 October, 2004, papers are clearly identified by Petitioner as requests to restart the period for reply–not petitions to revive–and Petitioner, as one registered to practice before the Office, is well aware that it is not proper to "bury" items, requests or authorizations in papers, but rather that it is required that separate items be addressed in separate papers (see: 37 C.F.R. §1.4[1]).

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for

---

[1] The regulations at 37 C.F.R. §1.4 provide, in pertinent part:

§1.4 Nature of correspondence and signature requirements.
(a)Correspondence with the Patent and Trademark Office comprises:
(1)Correspondence relating to services and facilities of the Office,such as general inquiries,
requests for publications supplied by the Office, orders for printed copies of patents or trademark registrations, orders for copies of records, transmission of assignments for recording, and the like, and
(2)Correspondence in and relating to a particular application or other proceeding in the Office.
See particularly the rules relating to the filing, processing, or other proceedings of national applications in subpart B,§§ 1.31 to 1.378;;of international appli-cations in subpart C,§§1.401 to 1.499;of *ex parte* reexaminations of patents in subpart D,§§ 1..501 to 1.570;of interferences in subpart E,§§ 1.601 to 1.690;of extension of patent term in subpart F, §§1.710 to 1.785;of *inter partes* reexaminations of patents in subpart H,§§ 1..902 to 1.997;and of trademark applications §§ 2..11 to 2.189.
(b)Since each file must be complete in itself, a separate copy of every paper to be filed in a patent or trademark application, patent file, trademark registration file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical. The filing of duplicate copies of correspondence in the file of an application, patent, trademark registration file, or other proceeding should be avoided, except in situations in which the Office requires the filing of duplicate copies. The Office may dispose of duplicate copies of correspondence in the file of an application, patent, trademark registration file, or other proceeding.
(c)Since different matters may be considered by different branches or sections of the United States Patent and Trademark 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.
* * *

[2] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

the reply now to be accepted on petition.[3]

Delays in responding properly raise the question whether delays are unavoidable.[4] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[5] And the Petitioner must be diligent in attending to the matter.[6] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[7]))

As to the Allegation
of Unavoidable Delay

The requirements for a grantable petition under 37 C.F.R. §1.137(a) are the petition and fee, a showing of unavoidable delay, a proper reply, and–where appropriate–a terminal disclaimer and fee if the application was filed before 8 June, 1995.

Petitioner has demonstrated only that former Counsel may have submitted incorrect correspondence information and that Petitioner failed to correct that error in the seven and one-half months between prior Counsel's filing and the Examiner's mailing of the non-final Office action.

Such is not demonstrative of the care and diligence requirements set forth in the Pratt test.

Thus, Petitioner does not satisfy the "showing" requirement of the regulations as to unavoidable delay.

---

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

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

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

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

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

As to the Allegation
of Unintentional Delay

The requirements for a grantable petition under 37 C.F.R. §1.137(b) are the petition and fee, the statement (and possibly a showing) of unintentional delay, a proper reply, and–where appropriate--a terminal disclaimer and fee if the application was filed before 8 June, 1995.

Petitioner has satisfied the requirements of the regulation as to unintentional delay.

CONCLUSION

Accordingly, in view of the record, the petition:

- as under 37 C.F.R. §1.137(a) hereby is **dismissed** and the petition fee ($250.00) is charged as authorized to Deposit Account 06-1135 (No. 7398/80518); and

- under 37 C.F.R. §1.137(b) hereby is **granted** and the petition fee ($750.00) is charged as authorized to Deposit Account 06-1135 (No. 7398/80518).

The instant file is released to Technology Center 3700 for further processing in due course.

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

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

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BOND, SCHOENECK & KING, PLLC
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SYRACUSE NY 13202-1355

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OFFICE OF PETITIONS

In re Application of	:	
Kline, Jeffrey A.	:	
Application No. 10/400,339	:	ON PETITION
Filed: March 26, 2003	:	
Attorney Docket No. 163 P 006A	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 2, 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 the Issue Fee Transmittal with payment of the issue and publication 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.

A check for $1750.00 for payment of the petition fee, the issue fee and the publication fee was received with the instant petition. However, another $1750.00 was charged to petitioner's deposit account. Accordingly, the duplicate charges will be credited to petitioner's deposit account as authorized.

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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TEXAS INSTRUMENTS INCORPORATED
P.O. Box 655474, M/S 3999
Dallas, TX 75265

In re Application of:
HOUSTON *et al.*
Serial No.: 10/400,353
Filed: March 27, 2003
Attorney Docket No.: **TI-25023.1**

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

This is a decision on the petition filed February 08, 2005, under 37 CFR § 1.181, to withdraw the holding of abandonment. No petition fee is required.

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

The application was held abandoned for the failure to timely file a response to the Office action mailed on July 13, 2004. A Notice of Abandonment was mailed on January 27, 2005.

Petitioner asserts that on January 12, 2005, a response including an amendment, and a request for an extension of time were timely filed in the above-identified application. To support this assertion, petitioner has submitted a copy of a 7 page response bearing a certificate under 37 CFR § 1.8(a) showing a date of transmission of January 12, 2005, a copy of an auto-reply facsimile transmission from the PTO facsimile machine which acknowledges satisfactory facsimile transmission of 7 pages to the PTO on January 12, 2005.

A review of the application file reveals the above noted response was not matched with the application file wrapper at the time of mailing of the Notice of Abandonment. The above-identified response filed January 12, 2005, has since been located and matched with the file wrapper.

For the above stated reasons, 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 will be forwarded to the examiner for further examination.

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

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

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DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
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WASHINGTON, DC 20037-1526

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In re Application of :
Inna Patrick :
Application No. 10/400.389 : ON PETITION
Filed: March 28, 2003 :
Attorney Docket No. M4065.0718/P718 :

This is a decision on the petition, filed September 23, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 15, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

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

The application is being referred to Technology Center AU 2814 for further processing of the request for continued examination under 37 CFR 1.114 filed September 23, 2004.

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

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

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

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OCT 30 2007

OFFICE OF PETITIONS

In re Application of	:	
Shunpei Yamazaki et al	:	
Application No. 10/400,427	:	DECISION GRANTING PETITION
Filed: March 28, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 740756-2598	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 29, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 27, 2007 ***cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.***[1]

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

This application is being referred to Technology Center AU 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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SUITE 900
WASHINGTON DC 20004-2128

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APR 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Shunpei Yamazaki, et al.	:	
Application No. 10/400,427	:	DECISION GRANTING PETITION
Filed: March 28, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 740756-2598	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 1, 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 March 2, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1-22-07

TO SPE OF : ART UNIT 1646

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/400142 Patent No.: 7109302

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.

Can this corc be approved

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

E Young

Certificates of Correction Branch

703-308-9390 ext. 117

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: There is no clear indication that the mistake (WAS) incurred through the fault of the office under 1.322.

Gary Nickol

SPE

1646

Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed : June 20, 2008

Patent No. : 7,109302 B1
Patent Issued : September 19, 2006
Docket No. : PF583N

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 .

The alleged error(s) There is no clear indication that the mistake was incurred through the fault of the office under 1.322. the patent is printed in accordance with the record .In view of the foregoing, your request, in this matter(s), is hereby denied.

Further consideration/reconsideration will be given upon receipt of a Request for Reconsideration under, under the provision of U.SC.254 or 255 (C.F.R. 1.322 or 1.323), accompanied by the appropriate response or fee of $100, which should be directed to Decisions & Certificates of Correction Branch.

Ennis Young
Legal Instrument Examiner
(703) 308-9390 ext.117

For Cecelia B. Newman, Supervisor
Decisions & Certificates of Correction Branch
(703) 308-9390 ext.125 or (703) 303-8309 (Receptionist)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

caj

Mailed: 8-14-06

In re application of :
Shuichi Okazaki et al. : DECISION ON
Serial No. 10/400,449 : PETITION
Filed: March 28, 2003 :
For: WATER BASED INTERCOAT COATING COMPOSITION AND MULTI-LAYER COATING FILM-FORMING METHOD BY USE OF THE SAME

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION mailed February 22, 2006.

On December 20, 2005, Applicants filed a Request for Continued Examination. Along with the request, Applicants amended independent claim 1 to specify that the flat shaped pigment particle D consisted of talc and further require that the amount by weight of the alicyclic polybasic acid (a1) and the alicyclic polyhydric acid (a2) was 30 to 60 percent by weight.

On February 22, 2006 a final office action was mailed. The examiner stated in the office action that all claims were drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114.

On June 19, 2006, the instant petition was filed. It is noted that the instant petition was submitted by Petitioner on June 19, 2006 which falls more than two months after the date of the final office action thereby making the instant petition untimely under Rule 181. Nonetheless, the instant petition will be considered on its merits. Petitioner has argued that the finality of the last Office action is improper.

DECISION

Section 706.07(b) of the MPEP states:

706.07(b) Final Rejection, When Proper on First Action
The claims of a new application may be finally rejected in the first Office action in those situations where (A) the new application is a continuing application of, or a substitute for, an earlier application, and (B) all claims of the new application (1) are drawn to the same invention claimed in the earlier application, and (2) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application.

In the amendment filed with the Request for Continued Examination on December 20, 2005, Applicants amended independent claim 1 to specify that the flat shaped pigment particle D consisted of talc and require that the amount by weight of the alicyclic polybasic acid (a1) and the alicyclic polyhydric acid (a2) was 30 to 60 percent by weight. Petitioner argues that the claims of the new application were not drawn to the same invention claimed in the earlier application and the finality of the office action was premature. This argument is persuasive.

In addition, all of the pending claims were rejected under 35 USC 103(a) as unpatentable over Buter et al. (US 2002/0013404) in view of Harakawa et al. (US 6,099,968), Herren et al. (US 6,113,683) and Den Hartog et al. (US 4,987,177) in the final office action. Petitioner argues that the reference to Den Hartog et al. was first cited and applied by the examiner in this final office action. Petitioner further argues that the claims of the new application were not rejected on the same grounds and art previously made of record. This argument is persuasive. Thus, the finality of the office action was improper for this reason as well.

Accordingly, the petition for withdrawal of finality is **GRANTED.**

It is also noted that Applicants filed a response to the February 22, 2006 office action on June 19, 2006. This amendment will be treated as an amendment after non-final office action and will be entered. The application is being forwarded to the examiner to consider the amendment and prepare an appropriate office action.

JMStone

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

FISHER, CHRISTEN & SABOL
1725 K STREET, N.W.
SUITE 1108
WASHINGTON, D.C. 20006-1419

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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JAN 25 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

McGuireWoods LLP
Suite 1800
1750 Tysons Boulevard
McLean VA 22102-4215

In re Application of :
Kyoung-Ho KANG, et al. :
Application No. 10/400,466 : DECISION ON PETITION
Filed: March 28, 2003 : TO MAKE SPECIAL
For: **METHOD AND APPARATUS FOR DRIVING PANEL BY PERFORMING MIXED ADDRESS PERIOD AND SUSTAIN PERIOD** :

This is a decision on the petition filed November 1, 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.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

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JUN 25 2004

LITMAN LAW OFFICES, LTD.
P.O. BOX 15035 CRYSTAL CITY STATION
ARLINGTON VA 22215

In re Application of :
Emiko K. Valeriote :
Serial No.: 10/400,477 : DECISION ON PETITION
Filed: March 28, 2003 :
For: Guide for Making Non-Linear Patterns :
Using a Long Arm Quilting Machine :

This is in response to applicants' petition filed May 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. Therefore the petition is **GRANTED**.

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

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

John E. Kittle
Director,
Technology Center 3700/2900

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JJGJr: 01-04

Paper No: 5

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA VA 22320

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JAN 2 9 2004

OFFICE OF PETITIONS

In re Application of:	:	
Taki, et al.	:	ON PETITION
Filed: 28 March, 2003	:	
Application No. 10/400,519	:	
Docket No.: 114813	:	

This is a decision on the paper filed as a "Petition in Response to Notice of Omitted Items" filed on 3 June, 2003, seeking to have accorded to pages 33-36, 40, 44-45 and 48 of the specification (description and claims) of the above-identified application a filing date of 28 March, 2003.

The petition is **GRANTED**.

The application was deposited on 28 March, 2003.

On 22 May, 2003, the Office mailed a Notice of Omitted Items in a Nonprovisional Application (the Notice), and indicated therein that "Page(s) 33-36, 40, 44-45 & 48 of the specification (description and claims)" appeared to have been omitted. Petitioner also was informed that he could accept the application as filed, or seek either to: (a) have accorded to the entire application the filing date on which the omitted item was supplied, or (b) have a determination that the omitted item was present on filing.

Thereafter, on 3 June, 2003, Petitioner James A. Oliff (Reg. No. 27,075) filed the instant petition, and

- therewith supplied:

--a copy of the receipt card (see: MPEP §503) evidencing the

deposit on 28 March, 2003, of the instant application containing: "appln t ck140803, $870, 80pp spec/22clms/abst, 22pp drw (figs 1-23), DEC, assign t, ch 140802, $40, ASSIGN, IDS, PTO-1449 w/1 ref, 1 abs, cert copies of JP 2002-099121 3/28/02 and JP 2002-090428 3/28/02"; and

--copies of documents purporting to be pages 33-36, 40, 44-45, 48 of the specification; and

- Petitioner's statement incorporated into the petition.

A review of the application papers reveals that the application in fact was filed and received in the Office on 28 March, 2003, and that a comparison of the date-stamped (28 March, 2003) copy of the receipt card filed by Petitioner and the specification (description and claims) in the file evidence the file containing pages 1-33, 37-39, 41-43, 46-47, and 49-80 of the specification (description and claims) (as are 22 sheets of drawings, Figs. 1-23). (NOTE: Contrary to the Notice, page 33 is found in the file.)

Petitioner contends that if the Notice indicating an omitted item was correct, there would be less than 80 pages of specification acknowledged on the date-stamped receipt card, rather than the 80 pages acknowledged as received by the Office.

Petitioner's contention is well taken, and it appears that 80 pages of specification (description and claims) were filed, and thereafter pages 34-36, 40, 44-45 and 48 were misplaced in the Office.

Therefore, the petition is **granted** to accord a filing date of 28 March, 2003, to page 33-36, 40, 44-45, and 48, and the petition fee is refunded via credit to Deposit Account 15-0461.

The application is being returned to OIPE for further processing with a filing date of 28 March, 2003, using pages 1-33, 37-39, 41-43, 46-47, and 49-80 of the specification (description and claims) deposited on 28 March, 2003, and pages 34-36, 40, 44-45 and 48 (description and claims) deposited on 3 June, 2003; and further with direction to OIPE to correct Office records to reflect that 80 pages of specification and 1 sheet of drawings were present on filing on 28 March, 2003; and forward to Petitioner a copy of the corrected filing receipt reflecting a filing date of 28 March, 2003, reflecting therein that 80 pages of specification (description and claims) and 22 sheets of drawings were present on filing.

Thereafter, the application will be considered by the examiner in due course.

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

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

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

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SEP 2 9 2005

OFFICE OF PETITIONS

In re Application of :
Stubleski :
Application No. 10/400,522 : ON PETITION
Filed: March 28, 2003 :
Attorney Docket No. 2662-151 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 16, 2005, 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 present nonprovisional application is the subject of an application filed in an eighteen-month publication country. Petitioner indicates that 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.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) 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(f). The nonpublication request has been rescinded.

Accordingly, the failure to timely notify the Office of a foreign filing within 45 days as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

A Communication Regarding Rescission of Nonpublication Request and /or Notice of Foreign Filing which sets forth the projected publication date accompanies this decision on petition.

This application is being forwarded to Technology Center 3600 for further processing.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA VA 22320

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OFFICE OF PETITIONS

In re Application of	:	
Minoru Koyama, et al.	:	
Application No. 10/400,526	:	DECISION GRANTING PETITION
Filed: March 28, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 115600	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 29, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 6, 2006 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 2853 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Frances M. Hicks
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ALEXANDRIA VA 22313-1404

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JUN 0 7 2006

OFFICE OF PETITIONS

In re Application of :
Mikael Johansson :
Application No. 10/400,542 : ON PETITION
Filed: April 1, 2003 :
Attorney Docket No. 000505-034 :

This is a decision on the petition under 37 CFR §1.181(a) to withdraw the holding of abandonment, filed May 15, 2006.

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

This application became abandoned for failure to timely submit a response to the final Office Action mailed September 19, 2005. The Notice set an extendable 3 month period for reply. No extensions of time pursuant to 37 CFR 1.136(a) were obtained. Accordingly, this application was held abandoned on December 20, 2005. A Notice of Abandonment was mailed on March 29, 2006.

Petitioner asserts that the final Office Action mailed on May 5, 2005 was never received. A review of the record indicates the final Office Action while addressed properly was returned to the Office. As such there was an irregularity in the mailing of the final Office Action which prevented petitioner from receiving the office communication.

This application is being forwarded to Art Unit 3761 for re-mailing of the non-final Office Action. The three month extendable time period for reply will be set to run from the mailing date of the Office Action.

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
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DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK, NY 10018

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MAR 29 2005

OFFICE OF PETITIONS

In re Application of :
Willibald Hergeth :
Application No. 10/400,555 : ON PETITION
Filed: March 27, 2003 :
Attorney Docket No. 533.1002 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 17, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 24, 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 25, 2004.

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

This matter is being forwarded to Technology Center AU 3722 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
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MEREK BLACKMON & VOORHEES
673 SOUTH WASHINGTON STREET
ALEXANDRIA, VA 22314

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MAY 1 1 2005

OFFICE OF PETITIONS

In re Application of :
R. Lee Roberts et al :
Application No. 10/400,575 : DECISION GRANTING PETITION
Filed: March 28, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. PA-213 :

This is a decision on the petition, filed May 10, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 6, 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 1724 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).*

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : May 11, 2005

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of **Application No. 10/400,575**

Applicant(s) : R. Lee Roberts et al
Application No. : 10/400,575
Filed : March 28, 2003

The above-identified application has been assigned Patent No. 6,896,802 and an issue date of May 24, 2005.

It is hereby directed that this application be withdrawn from issue at the request of the applicant. Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of May 24, 2005:

"All reference to Patent No. 6,896,802 to R. Lee Roberts et al of Pennsylvania for UNDERDRAIN SYSTEM appearing in the Official Gazette of May 24, 2005 should be deleted since no patent was granted."

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

cc: Paul Harrison; Crystal Park 3, Suite 441 (FAX-703-306-2737)
Deneise Boyd, Crystal Park 2, Suite 1100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-910 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane Davis (CDS), CM1-6A07
Tamara K. Greene, PK3-910

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : **March 19,2008**

TO SPE OF : ART UNIT **2624**

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/400,581** Patent No.: **7221774 B2**

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

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

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

DO NOT SENT TO ATTORNEY

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

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

You can fax the Director's 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: _____

SAMIR AHMED
SUPERVISORY PATENT EXAMINER

SPE — 2624 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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DEC 0 9 2005

OFFICE OF PETITIONS

KIMBERLY DILIBERTI, PARALEGAL
ALLEGIANCE CORPORATION
1430 WAUKEGAN ROAD
MCGAW PARK, IL 60085

In re Application of
PLISHKA
Application No. 10/400,611
Filed: March 27, 2003
Attorney Docket No. SPEC-6124

DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 14, 2005, 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[1] in reply to the Notice of Allowance and Fee(s) Due, mailed April 26, 2005, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 27, 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 and the publication fee; (2) the petition fee of $750; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee payment and the publication fee payment are accepted as having been unintentionally delayed.

The address of record differs from that of the petitioner. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate change of correspondence address must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

The application matter is referred to the Office of Patent Publication.

Denise Pothier
Petitions Examiner
Office of Petitions

cc: ANDREW G. ROZYCKI
CARDINAL HEALTH, INC.
7000 CARDINAL PLACE LEGAL
DUBLIN, OH 43017

[1] Office records reflect that petitioner attempted to pay the issue and publication fee on May 17, 2005 by authorizing charges to Deposit Account No. 01-0485. Insufficient fees were in the account to cover the cost of either the issue or the publication fee. See 37 CFR 1.25.

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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DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L STREET NW
WASHINGTON, DC 20037-1526

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OCT 1 8 2004

OFFICE OF PETITIONS

In re Application of :
R. J. Baker :
Application No. 10/400,620 : ON PETITION
Filed: March 28, 2003 :
Atty Docket No. M4065.0657/P657 :

This is a decision on the petition, filed October 15, 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 2, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

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

The application is being referred to Technology Center AU 2818 for further processing of the request for continued examination under 37 CFR 1.114 filed October 15, 2004.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OBLON SPIVAK MCCLELLAND, MAIER &
NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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OCT 13 2005

OFFICE OF PETITIONS

In re Application of :
Katsuhiko Koui et al :
Application No. 10/400,638 : ON PETITION
Filed: March 28, 2003 :
Attorney Docket No. 235998US0TTCRD

This is a decision on the petition, filed October 7, 2005 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 18, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2652 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GOWLING LAFLEUR HENDERSON LLP
ONE MAIN STREET WEST
HAMILTON ON L8P 4Z5 CA CANADA

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SEP 2 9 2005

OFFICE OF PETITIONS

In re Application of :
Peter J. Edmonson :
Application No. 10/400,656 : ON PETITION
Filed: March 28, 2003 :
Attorney Docket No. H310810COMUS :

This is a decision on the petition under 37 CFR 1.137(b), filed September 1, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed February 14, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on May 15, 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 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

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Paper No. 4

Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago IL 60690-1135

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SEP 17 2003

OFFICE OF PETITIONS

In re Application of :
Mina et al. :
Application No. 10/400,727 :
Filed: March 27, 2003 : Decision on Petition
Attorney Docket Number:
DI-5586 CN

This is a decision on the Petition, filed July 21, 2003, requesting the application be accorded a filing date of March 27, 2003, including drawing Figure 5 described in the specification.

The petition is **granted**.

The application was filed on April 8, 2003. However, on June 6, 2003, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a NonProvisional Application (hereinafter "Notice"), noting that a filing date had been accorded the application; however, Figure 5 described in the specification appeared to have been omitted.

In response, Petitioner files the instant petition wherein Petitioner avers that Figure 5 was included among 5 pages of drawings originally filed with the application on March 27, 2003, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 5 pages of drawings on March 27, 2003.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 5 pages of drawings on March 27, 2003. Petitioner has also re-submitted Figure 5 of the drawings with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post

card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "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 by the PTO." MPEP § 503.

The copy of Figure 5 supplied on July 21, 2003, will be used for examination purposes.

No petition fee is required and none has been charged.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of March 27, 2003, and an indication that 5 pages of drawings were present on filing, using Figure 5 filed on July 21, 2003.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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TRASK BRITT
P O BOX 2550
SALT LAKE CITY, UT 84110

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AUG 1 6 2004

OFFICE OF PETITIONS

In re Application of :
James J. Hofmann et al :
Application No. 10/400,732 : DECISION GRANTING PETITION
Filed: March 27, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 3165.6US (95-0452.06/US) :

This is a decision on the petition, filed August 16, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 17, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (703) 305-8680.

This matter is being referred to Technology Center AU 2879 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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OFFICE OF PETITIONS

TRASK BRITT
P O BOX 2550
SALT LAKE CITY, UT 84110

In re Application of
James J. Hofmann et al
Application No. 10/400,732
Filed: March 27, 2003
Attorney Docket No. 3165.6US (95-0452.06/US)

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition, filed August 16, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 17, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (703) 305-8680.

This matter is being referred to Technology Center AU 2879 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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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
1 Becton Drive
MC 110
Franklin Lakes, NJ 07417-1880

Mail Date: 07/16/2010

Applicant	: Todd M. Chelak	: DECISION ON REQUEST FOR
Patent Number	: 7651512	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/400,739	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/27/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
1 Becton Drive
MC 110
Franklin Lakes, NJ 07417-1880

Mail Date: 07/16/2010

Applicant	: Todd M. Chelak	: DECISION ON REQUEST FOR
Patent Number	: 7651512	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/400,739	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/27/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ALEXANDRIA, VA 22313-1450
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Paper No. 5

CISLO & THOMAS, LLP
233 WILSHIRE BLVD
SUITE 900
SANTA MONICA, CA 90401-1211

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APR 2 0 2004

OFFICE OF PETITIONS

In re Application of :
Winn et al. :
Application No. 10/400,763 : ON PETITION
Filed: March 27, 2003 :
Attorney Docket No. 02-11081 :

This is a decision on the petition under 37 C.F.R. § 1.137(a), filed March 15, 2004, to revive the above-identified application.

The petition is **granted.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed June 12, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 13, 2003.

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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WARNER-LAMBERT COMPANY
2800 PLYMOUTH RD
ANN ARBOR MI 48105

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OFFICE OF PETITIONS

In re Application of
Jennings et al.
Application No. 10/400,780
Filed: March 27, 2003
Attorney Docket No. PC23043A

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 23, 2004, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office Action mailed December 24, 2003. 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 March 25, 2004. A Notice of Abandonment was mailed on September 9, 2004.

This petition is hereby **GRANTED**.

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

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

authorization of agent and change of correspondence address must be submitted. While a courtesy copy of this decision is being mailed to the person signing the present petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received.

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

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Gilberto M. Villacorta
Katten Muchin Zavis Rosenman
525 West Monroe Street, Suite 1600
Chicago, Illinois 60661-3693

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ____

DATE : 3-1-07.

TO SPE OF : ART UNIT 1762

SUBJECT : Request for Certificate of Correction on Patent No.: 7060323 B2 (10/400806

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.

References

Thank You For Your Assistance

E. James

Certificates of Correction Branch

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

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

Comments:

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

3/6/2007
Paper No.: ____

DATE : 3-1-07.

TO SPE OF : ART UNIT 1762

SUBJECT : Request for Certificate of Correction on Patent No.: 7060323 B2 (10/400806

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.

References

Thank You For Your Assistance

E. James
Certificates of Correction Branch

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

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

Comments:

all changes or additions to the cited references are Ok, except "6,558,756 to Sugahara et al" was never cited in an PTO-892 or PTO-1449 Citing a parent case, and listed in the continuing data. It is also noted that while both "Kimker" and "Datta et al" were considered, the former was considered due to a typographical error, later corrected, hence this change shows the reference that is important to the record. (which was not relavent to the application)

MARIANNE PADGETT
PRIMARY EXAMINER

TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER

1762
Art Unit

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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7060323

DATED : June 13, 2006

INVENTOR(S) : Gaku SUGAHARA, et al.

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

On the title page of the letters patent under section "(56) References Cited", U.S. PATENT DOCUMENTS,
change "4,232,848 A 11/1980 Kimber" to – 4,252,848 A 02/1981 Datta et al. –, and
Add
~~– 6,558,756 05/2003 Sugahara et al. –~~
– 5,429,995 07/1995 Nishiyama et al. –
– 3,632,386 01/1972 Hurst –
– 5,112,025 05/1992 Nakayama et al. –
– 4,123,308 10/1978 Nowlin et al. –
– 4,137,365 01/1979 Wydeven et al. –
– 4,492,733 01/1985 Phillips et al. –
– 4,493,855 01/1985 Sachdev et al. –
– 4,590,117 05/1986 Taniguchi et al. –
– 4,599,243 07/1986 Sachdev et al. –
– 5,252,250 10/1993 Endo et al. –
– 5,270,082 12/1993 Lin et al. –
– 5,298,587 03/1994 Hu et al. –
– 5,718,967 02/1998 Hu et al. –

On the title page under "FOREIGN PATENT DOCUMENTS", add,
– JP 8-321217 12/1996 –
– JP 7-254592 10/1995 –
– EP 0 212 691 03/1987 –
– DE 41 26 759 02/1993 –
– EP 0 560 617 09/1993 –

On the title page under " OTHER PUBLICATIONS ", add,
– K. Endo et al., "Nitrogen Doped Fluorinated Amorphous Carbon Thin Films Grown by Plasma Enchanced Chemical Vapor Deposition", Extended Abstracts of the 1995 International Conference on Solid State Devices and Materials, Osaka, pp. 177-179, 1995. –

– K. Endo et al., "Fluorinated Amorphous Carbon Thin Films Grown by Helicon Plasma Enchanced Chemical Vapor Deposition for Low Dielectric Constant Interlayer Dielectrics", Applied Physics Letters, Vol. 68, No. 20, May 13, 1996, pp. 2864-2866. –

– C. Pavelescu, et al. "Amorphous Silicon and Polysilicon Thin Layer Soating Method for Electron Device Production" 1 page, November 23, 1992. –

MAILING ADDRESS OF SENDER:
McDermott Will & Emery LLP
600 13th Street, NW
Washington, DC 20005

PATENT NO.
7,060,323

No. of add'l copies
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WDC99 1341346-1.060188.0310

FEB 1 2007

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)
6746143	2004-06-08	10400848	2003-03-27	P006444-LDA

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

SMALL ENTITY

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

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

	Fee	Code
◉	3 ½ year	(1551)
○	7 ½ year	(1552)
○	11 ½ year	(1553)

Small Entity

	Fee	Code
○	3 ½ year	(2551)
○	7 ½ year	(2552)
○	11 ½ year	(2553)

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Lionel D. Anderson/	Date (YYYY-MM-DD)	2008-08-07
Name	Lionel D. Anderson	Registration Number	50571

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. 6746143
Issue Date: June 8,2004
Application No. 10400848
Filed: March 27,2003
Attorney Docket No. P00766-US-00

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

This is a decision on the electronic petition, filed August 7,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of August 7,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in 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

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P O BOX 2550
SALT LAKE CITY, UT 84110

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FEB 15 2005

OFFICE OF PETITIONS

In re Application of :
Warren M. Farnworth et al :
Application No. 10/400,858 : DECISION GRANTING PETITION
Filed: March 27, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2269.3593.7US :
(97-0834.07/US)

This is a decision on the petition, filed February 4, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 29, 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 2839 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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JUL 22 2005

OFFICE OF PETITIONS

In re Application of :
Warren M. Farnworth et al :
Application No. 10/400,858 : ON PETITION
Filed: March 27, 2003 :
Attorney Docket No. 3593.7US (97-0834.07/US)

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 26, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2839 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

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

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

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JAN 1 3 2006

OFFICE OF PETITIONS

In re Application of :
Warren M. Farnworth et al :
Application No. 10/400,858 : ON PETITION
Filed: March 27, 2003 :
Attorney Docket No. 3593.7US (97-0834.07(US)

This is a decision on the petition, filed January 5, 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 26, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2839 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

10400878

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/6/05

Paper No.: ———

TO SPE OF : ART UNIT 2812

SUBJECT : Request for Certificate of Correction on Patent No.: 6787478 B2

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-915
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.

Virginia Tolbert

Thank You For Your Assistance

Certificates of Correction Branch

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

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

Comments:

_____

_____

_____

_____

_____

SPE — Art Unit 2812

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55 METCALFE STREET
OTTAWA ON K1P5Y-6 CA CANADA

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MAR 10 2004

OFFICE OF PETITIONS

Applicant: Wu et al.
Appl. No.: 10/400,882
Filing Date: March 28, 2003
Title: SYSTEMS AND METHODS FOR CHANNEL ALLOCATION FOR FORWARD-LINK MULTI-USER SYSTEMS
Attorney Docket No.: 71493-1158/slb
Pub. No.: US 2003/0227889 A1
Pub. Date: December 11, 2003

This is a decision on the request for corrected patent application publication under 37 CFR 1.221(b), filed on February 9, 2004 for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course.

Inquires concerning this communication should be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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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Jovi Jananji
10580, Berri
Montreal Quebec H3L 2H1
CANADA

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JAN 2 4 2006

OFFICE OF PETITIONS

In re Application of	:	
Jovi Jananji	:	DECISION ON PETITION
Application No. 10/400,883	:	UNDER 37 CFR 1.137(b)
Filed: March 28, 2003	:	
Title: Partitioning Structure	:	

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

This application became abandoned for failure to reply timely to the Restriction Requirement, mailed on December 6, 2004, which set a one-month extendable period to reply. Accordingly, this application became abandoned on January 7, 2005. A Notice of Abandonment was mailed on July 11, 2005.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of an Election, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **granted.**

This matter is being referred to Technology Center Art Unit 3637.

All inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center. 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

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Paper No. 5

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

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NOV 2 0 2003

OFFICE OF PETITIONS

In re Application of	:	
Harlacker, Marini, and Schneider	:	DECISION ACCORDING
Application No. 10/400,923	:	STATUS UNDER
Filed: March 28, 2003	:	37 CFR 1.47(a)
Attorney Docket No. 87334.5560	:	
For: METHOD AND APPARATUS FOR STOPPING A MOVING MEMBER	:	

This is in response to the petition under 37 CFR 1.47(a) filed September 25, 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 or cannot be located.

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

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

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

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. 6

Harvey Schneider
1872 Bucks Hill Road
Southbury, CT 06488

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NOV 2 0 2003

OFFICE OF PETITIONS

In re Application of :
Harlacker, Marini, and Schneider :
Application No. 10/400,923 :
Filed: March 28, 2003 : Letter
Attorney Docket No. 87334.5560 :
For: METHOD AND APPARATUS FOR :
STOPPING A MOVING MEMBER :

Dear Mr. Schneider:

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 Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

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OFFICE OF PETITIONS

In re Application of :
Joseph Patanella :
Application No. 10/400,924 :
Filed: March 28, 2003 :
Attorney Docket No. 1619.0002.00-US :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 16, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The 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 23, 2006. This decision precedes the mailing of a Notice of Abandonment. On March 16, 2007, the present petition was filed.

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).

The present petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114, including the fee of $395; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 2136 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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JUN 13 2007

OFFICE OF PETITIONS

In re Application of	:	
James P. GARDNER JR, et al	:	
Application No. 10/400,952	:	DECISION ON PETITION
Filed: March 27, 2003	:	TO WITHDRAW
Attorney Docket No. 163.1574USU1	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 22, 2007.

The request is **APPROVED**.

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

Sarah M. Monfeldt has been withdrawn as attorney of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is an outstanding Office action mailed February 22, 2007 that requires a reply by the applicant.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

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DIW Apr-06

MICHAEL C. CESARANO
SUNTRUST INTERNATIONAL CENTER, 28TH FLOOR
1 S.E. 3RD AVENUE
MIAMI FL 33131-1714

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OFFICE OF PETITIONS

In re Application of	:	
Joan Madeline Devlin	:	DECISION ON PETITION TO
Application No. 10/400,999	:	WITHDRAW HOLDING OF
Filed: 27 March, 2003	:	ABANDONMENT
Attorney Docket No. 135869	:	

This is a decision on the petition filed on 2 December, 2005, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the Notice of Informal or Non-Responsive Amendment mailed on 6 July, 2004. Notice of Abandonment was mailed on 21 November, 2005.

Petitioner asserts that the Notice mailed on 6 July, 2004, was not received. Petitioner further asserts that there is no copy of the Notice in Office file records.

In the absence of any irregularity in the mailing of the final Office action, there is a strong presumption that the final Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the final Office action was not in fact received. The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received

Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the final Office action may have been lost after receipt rather than a conclusion that the final Office action was lost in the mail.

A review of the USPTO's Image File Wrapper (IFW) file for this application reveals that no copy of a Notice mailed 6 July, 2004, is located therein. Further, there is no indication in the IFW system that said Notice was mailed. As such, it appears that there was an irregularity in the mailing of the Notice allegedly mailed on 6 July, 2004. As it cannot be determined whether the aforementioned Notice was actually mailed, the holding of abandonment is withdrawn.

The Office apologizes for any inconvenience to petitioner.

Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file is being referred to Technology Center 3600 technical support staff for remailing of the Notice mailed on 6 July, 2004. The period for reply will be reset from the mailing date thereof.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Donald W. Meeker
924 East Ocean Front #E
Newport Beach CA 92661

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OFFICE OF PETITIONS

In re Application of :
Estus, et al. :
Application No. 10/401,002 : DECISION ON PETITION
Filed: March 27, 2003 :
Attorney Docket No. N/A :
For: RF ELECTRONIC LICENSE PLATE AND INFORMATION SYSTEM FOR VEHICLE TRACKING

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 21, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed on October 4, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 5, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3).

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

(1) the delay in reply that originally resulted in the abandonment;

(2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and

(3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of $500 or a fee of $50 **would not be granted where the abandonment** or the failure to pay the fee for issuing the patent **was intentional** as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), *reprinted in* 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). *See* In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (more than two 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 January 5, 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 Agent Meeker was counsel of record at the time of abandonment, Agent Meeker should explain why this application became abandoned while it was under their control and what efforts Agent Meeker made to reply. 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), Agent Meeker and whoever else was involved with this application at the time of abandonment. Statements are required from 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 2years) 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 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.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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CROWELL & MORNING, LLP
INTELLECTUAL PROPERTY GROUP
P. O. BOX 14300
WASHINGTON, DC 20044-4300

In re Application of	:
Helmut Buschmann et al	:
Serial No.: 10/401,020	: PETITION DECISION
Filed: March 28, 2003	:
Attorney Docket No.: 029310.52284	:

This is in response to the petition under 37 CFR 1.144, filed July 25, 2005, requesting withdrawal of an improper restriction requirement. Accompanying the petition are RCE papers and a Request to Suspend Prosecution.

BACKGROUND

A review of the file history shows that this application was filed under 35 U.S.C. 111 on March 28, 2003, and contained claims 1-34. In a first Office action, mailed November 14, 2003, the examiner set forth a 21 way restriction requirement, summarized as follows:

Groups I-V – Claims drawn to compounds where R^1 and R^2 form a (CH_2) 2, 3, 4 or 5, 6 or 7, 8 or 9, ring, with no other ring substiututents;

Groups VI-X – Claims drawn to compounds where R^1 and R^2 form a (CH_2) 2, 3, 4 or 5, 6 or 7, 8 or 9, ring, R^3 and R^4 form a $CH_2CH_2OCH_2CH_2$ ring with no other ring substituents;

Groups XI-XV – Claims drawn to compounds where R^1 and R^2 form a (CH_2) 2, 3, 4 or 5, 6 or 7, 8 or 9, ring, R^3 and R^4 form a $CH_2CH_2NCH_2CH_2$ ring with no other ring substituents;

Groups XVI-XX – Claims drawn to compounds where R^1 and R^2 form a (CH_2) 2, 3, 4 or 5, 6 or 7, 8 or 9, ring, R^3 and R^4 form a $(CH_2)_{3-6}$ ring with no other ring substituents; and

Group XXI – drawn to compounds not falling within the above groups.

The Groups also encompassed compositions and methods of use. An election of species was required for whichever group was elected.

The examiner reasoned that claim 1 is to a plurality of disclosed patentably distinct species as noted in the above groups the compounds.

Applicants replied on December 15, 2003, electing the compounds of Group II with traverse and identifying a species for examination purposes. Applicants argued that the examiner was in error in requiring restriction relying on In re Weber for support.

The examiner mailed a new Office action to applicants on September 22, 2004, acknowledging the election of Group II and the species, but maintaining the requirement and making it Final. The examiner argued that the Markush group presented is improper and the examiner has a right to restrict independent and distinct inventions irregardless of how they are claimed. The examiner indicated that the compounds of Group II were allowable and required cancellation of non-elected subject matter.

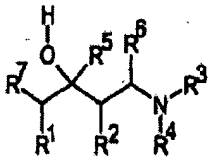
Applicants replied on December 22, 2004, again traversing the restriction requirement for the same reasons. The examiner mailed a Final Office action to applicants on January 24, 2005, again maintaining the restriction requirement and requiring cancellation of non-elected subject matter. No rejections were made, but the action was made Final.

This petition was filed on July 25, 2005, and traverses the finality of the restriction requirement as in error. Applicants have also filed RCE papers and a request to suspend prosecution in connection therewith for six months in a separate paper.

DISCUSSION

The request for suspension for a period of six months is not permissible. The filing of RCE papers permits suspension of action for up to three months only. The filing of a separate papers requesting a six month suspension is presumed to be applicants' required amendment/reply to the outstanding Office action. However, a petition is not a reply to an outstanding Office action and is not considered to be a paper which furthers prosecution. Inasmuch as a proper amendment has not been filed with the RCE papers, the RCE request is improper. However this application will not be held abandoned in view of the ensuing petition decision.

An analysis of applicants' claims shows that all claims are directed to compounds having Formula I



Formula I is termed a "substituted 1-aminobutan-3-ol" compound. This is, however, misleading since R^1 and R^2 always forma an unsaturated ring. It is unclear what ring sizes are encompassed as "R^1 and R^2 together form a $(CH_2)_{2-9}$ ring". If applicants mean that R^1 and R^2 together with the atoms to which they are attached form a ring, the minimum size ring is 5 carbons, with 12 carbons being maximum size. Otherwise a two carbon ring (as the claim appears to read) is not a ring. The same applies to the definition of R^3 and R^4 when they together form a ring, it can only be in connection with the nitrogen to which they are attached. Such ring would be a six member azine, diazine or oxazine, any of which would control classification and would likely be the

basis for naming of the compound. It is also noted that claim 16 lists approximately 89 species encompassed within claim 1, of which all but 6 are cyclohexanol compounds belying their characterization as "substituted 1-aminobutan-3-ol" compounds. (The other compounds are named as phenols.)

Claims 18-21 are to pharmaceutical compositions based on the compounds encompassed within claim 1. Claims 22-23 and 26-30 are to treatment of various pain producing conditions and claims 24-25 and 31-33 are to methods of administering the compounds to a patient. Claim 34 is to a method of making the compounds from a precursor.

A proper restriction requirement could have been made between the compounds/pharmaceutical compositions and the methods of use in treatment or administration thereof and the method of making. However, upon determination of allowability of the compound/composition claims, method claims would be rejoined and fully examined.

The examiner has argued that the Markush group of Claim 1 is improper, but has not shown how it is improper. It is agreed that it encompasses many different compounds which may be independent and distinct from each other, but that is one of the purposes of a Markush group – to allow claims to differing compounds which have a relationship in structure and utility to each other. The examiner also characterizes claim 1 as a linking claim, but has not shown what claims or inventions are linked. Thus the examiner has made statements and allegations which are not supported.

Conversely, applicants argue that the compounds of claim 1 fall within the concepts set forth within In re Weber. In re Weber propounds that a proper Markush group consists of a group of compounds which are linked together by (1) a common utility and (2) share a substantial structural feature disclosed as essential to that utility. Applicants have not identified a specific common utility for the above compounds. Various claims identify a number of utilities, but it is not reasonable to assume that all compounds encompassed by the Markush group of claim 1 have all of these utilities. Nor have applicants pointed out a **substantial structural feature essential to a specific utility**. The aminobutanol structure is not substantial, *per se,* especially when it is recognized that there must be a cycloalkyl ring structure remote from the amino group. No feature (or combination of features or groups) is specifically identified as providing the utility claimed. Applicants' arguments at page 4 of the petition have been considered, but have not been found fully supported. For instance the compounds, having analgesic activity, are claimed as useful in the treatment of conditions, such as ALS, epilepsy, paralysis, Alzheimers and Parkinson diseases etc., which may or may not have pain associated with them. Further, as no compound is claimed which does not have a cycloalkyl ring it is not clear whether the ring or the aminobutanol structure, or some other structure provides the identified result.

A review of the examiner's extensive restriction requirement based on cycloalkyl ring size is determined to be improper. The classification of cycloalkyl ring compounds may be based partly on ring size, but the number of areas to be considered based on ring size is not significantly large. Therefore, restriction, if appropriate, must be based on other factors. The requirement for an election of species within a classified group is proper. And the examiner appears to have

examined the elected species within the group elected. However, the groups should encompass all cycloalkyl ring sizes before determination of patentability is made.

In summary, the examiner's restriction requirement, as set forth, is improper and is restructured as set forth above. Applicants are considered to have elected all of the compounds within original Groups I-V and examination of the entire group will be made based upon the elected species: Original Groups VI-X, XI-XV, XVI-XX and XXI (if necessary) are considered to be single groups differing from the elected group in having a different base or common structure from that of Groups I-V based on additional ring structures of the base compound.

DECISION

The petition is **GRANTED-IN-PART** to the extent indicated above.

The finality of the Office action of January 24, 2005, is withdrawn as improper and/or incomplete. The application is returned to the examiner for consideration of the patentability of compounds encompassed within original Groups I-V and other considerations, as necessary.

In view of the withdrawal of (Finality of) the last Office action the RCE request is improper and the fees associated therewith will be credited to Deposit Account No. 05-1323, as directed.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.

George C. Elliott
Director, Technology Center 1600

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

JACOBSON HOLMAN PLLC
400 Seventh Street, N.W.
Washington DC 20004-2218

In re Application of
Juan M. Dominguez Cansino
Application No. 10/401,033
Filed: March 28, 2003
For: **LOCAL AND REMOTE MANAGEMENT OF LOCK SYSTEMS FROM A NETWORK**

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the Request to Reset Period for Reply Under 37 CFR 1.181 and MPEP 710.06, which is being treated as a Petition to Withdraw the Holding of Abandonment, pursuant to 37 C.F.R. § 1.181(a). The request was filed October 20, 2005. No fee is required.

This application became abandoned for failure to timely respond to the Notice of Non-Compliant Amendment mailed May 13, 2005 with appropriate extenstions of time. No Notice of Abandonment has been mailed.

Petitioner alleges that the Notice of Non-Compliant Amendment mailed May 13, 2005 was not received.

Based on M.P.E.P. § 711.03(c) *[See also Notice entitled Withdrawing the Holding of Abandonment When Office Actions Are Not received, 1156 O.G. 53 (November 16, 1993)]*, in absence of any irregularity in the mailing of an Office Action, there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office communication must include:

(a) a statement from the practitioner stating that the Office communication was not received by the practitioner;

(b) a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and,

(c) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

A review of the records indicate that the Notice of Non-Compliant Amendment was properly mailed to the practitioner of record at the correspondence address at the time of mailing. Thus, there was no irregularity in mailing of the Office Communication on the part of the U.S. Patent and Trademark Office.

The allegation of non-receipt is supported by a statement from the petitioner attesting that the Office Communication was not received and that a search of the contents of the file jacket and docket records revealed no evidence of receipt. Copies of the docket records have also been included to corroborate petitioner's claim.

The showing offered complies with the requirements of a successful petition to withdraw the holding of abandonment due to non-receipt of the Notice of Non-Compliant Amendment as set forth above. Therefore, the holding of abandonment is withdrawn.

Accordingly, the petition is **GRANTED.**

Petitioner stated that a copy of the Notice of Non-Compliant Amendment was downloaded and printed out from Private PAIR and stated that re-mailing of the Notice is not required or requested.

A review of the file record finds that a Final Office action was mailed December 23, 2005; however, that Office action is incomplete inasmuch as it fails to address the "Response to Notice of Non-Compliant Amendment" filed with the instant petition. Accordingly, the Final Office action mailed December 23, 2005 is hereby **VACATED**. The application file is being forwarded to the examiner for consideration of the "Response to Notice of Non-Compliant Amendment" filed October 20, 2005 with the instant petition. A new Office action setting forth a new period for reply is forthcoming.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090226

DATE : February 26, 2009

TO SPE OF : ART UNIT 1797

SUBJECT : Request for Certificate of Correction on Patent No.: 7419636

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

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - PK 3-910
Palm location 7590 - Tel. No. 305-8201

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

Thank You For Your Assistance

Certificates of Correction Branch

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

☒ Approved — All changes apply.

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

☐ Denied — State the reasons for denial below.

Comments:

SPE: Jill A. Warden Art Unit 1797

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/12/09

TO SPE OF : ART UNIT 1797

SUBJECT : Request for Certificate of Correction for Appl. No.: 10401051 Patent No.: 7419636 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.

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

Comments: _____

_____

_____

Jill Warden **1797**

SPE **Art Unit**

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OFFICE OF PETITIONS

ANTHONY G. VOLINI
1166 S. HIGHLAND
OAK PARK IL 60304

In re Application of :
Joseph Bronner :
Application No. 10/401,071 : DECISION ON PETITION
Filed: March 27, 2003 : UNDER 37 C.F.R. §1.137(A)
Attorney Docket Number: :
1632-1132 :
Title: MASONRY CONNECTORS :
AND TWIST-ON HOOK AND METHOD :
:

This is a decision on the petition filed October 27, 2006, under 37 C.F.R. §1.137(a)[1], to revive the above-identified application.

BACKGROUND

A Notice of Allowance and Issue Fee Due was mailed on July 11, 2006. The issue and publication fees were received on July 21, 2006, and on September 26, 2006, the Office mailed a "Notice of Drawing Inconsistency with Specification" (notice), which indicated that corrected drawings and/or a specification were required. The notice set a one-month, non-extendable period to respond. No response was received, and accordingly, the above-identified application became abandoned on October 27, 2006.

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1 A grantable petition pursuant to 37 C.F.R. §1.137(a) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. §1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. §1.20(d)) required pursuant to paragraph (d) of this section.

RELEVANT PORTIONS OF THE MPEP AND C.F.R.

MPEP §711.03(c)(I)(A) sets forth, in toto:

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 stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

37 C.F.R. § 1.134 Time period for reply to an Office action.

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

[47 FR 41276, Sept. 17, 1982, effective Oct. 1, 1982; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

37 C.F.R. § 1.135 Abandonment for failure to reply within time period.

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

[Paras. (a), (b), and (c), 47 FR 41276, Sept. 17, 1982, effective Oct. 1, 1982; para. (d) deleted, 49 FR 555, Jan. 4, 1984, effective Apr. 1, 1984; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

ANALYSIS

With the present petition, Petitioner has asserted that the notice was not received. Petitioner has submitted the petition fee, thus meeting the second requirement of 37 C.F.R. §1.137(a). It is noted that no terminal disclaimer is required.

Regarding the first requirement, the requirement has not been satisfied because Petitioner did not submit the required reply to the Office communication. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed[2]. In order for the application to be revived, petitioner must submit a reply which satisfies 37 C.F.R. §1.137(a)(1) (i.e., corrected drawings and/or specification). A copy of the notice has been included with this decision.

Regarding the third requirement, Petitioner has asserted that the Notice of Allowance and Issue Fee Due was not received; however he has failed to:

- attest to the fact that a search of the file jacket and docket records indicates that the Office communication was not received, and;
- provide a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed.

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

CONCLUSION

Pursuant to the above discussion, the petition must be **DISMISSED.**

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

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[3], hand-delivery[4], or facsimile[5].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[6]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

Encl. Copy of the Notice of Drawing Inconsistency with Specification

---

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/401,071	03/27/2003	Joseph Brouner	1632-1132	8647

7590 09/06/2006

ANTHONY G. VOLINI
1166 S. HIGHLAND
OAK PARK, IL 60304

EXAMINER	
SLACK, NAOKO N	

ART UNIT	PAPER NUMBER
3635	

DATE MAILED: 09/06/2006

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

Courtesy Copy

10/19/2011

Courtesy Copy

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION

The drawings filed 3/27/2003 have been received. However, an inconsistency exists between the drawings and the Brief Description of the Drawings in the specification.

Figure 3-1 is listed in the Brief Description of the Drawings in the specification but not contained in the Drawings.

Figure 3-1.1.1 is contained in the Drawings but not listed in the Brief Description of the Drawings in the specification.

Applicant is required to correct the above-noted inconsistency within a time period of **ONE MONTH or THIRTY (30) DAYS, whichever is longer,** from the mailing date of this Notice, or within the time remaining in the time period set forth in the Notice of Allowability (Form PTOL-37) to file corrected drawings, whichever is longer. **NO EXTENSION OF THIS TIME PERIOD MAY BE GRANTED UNDER EITHER 37 CFR 1.136 (a) OR (b)**

Failure to correct the above noted inconsistency will result in **abandonment** of the application.

The file will be held in the Publishing Division to await the correction of the inconsistency.

Return Corrected Drawings/Specification to:
Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

Office of Patent Publication/Publishing Division
Customer Service: 571-272-4200
1-888-786-0101

FORM PTO-1631 (REV. 10-03)

Form PTO-948 (Rev. 06/03)
Application No. 10/026368

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 05/06/2002 & 08/02/2006 are:

A. ____ approved by the Draftsperson under 37 CFR 1.84 or 1.152.

B. ✓ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

___ Color drawings are not acceptable until petition is granted. Fig(s)____

___ Pencil and non black ink not permitted. Fig(s)____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

___ One (1) full-tone set is required. Fig(s)____

___ Photographs may not be mounted. 37 CFR 1.84(e)

___ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s)____

___ Poor quality (half-tone). Fig(s)____

3. TYPE OF PAPER. 37 CFR 1.84(e)

___ Paper not flexible, strong, white, and durable. Fig(s)____

___ Erasures, alterations, overwritings. interlineations, folds, copy machine marks not accepted. Fig(s)____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or
21.6 cm by 27.9 cm (8 1/2x 11 inches)

___ All drawing sheets not the same size. Sheet(s)____

___ Drawings sheets not an acceptable size. Fig(s)____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins: Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

___ Margins not acceptable. Fig(s)____

_____Top (T) _____ Left (L)

_____Right (R) _____ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

___Views not labeled separately or properly. Fig(s)____

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

____ Sectional designation should be noted with Arabic or Roman numbers. Fig(s)____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

___ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s)____

9. SCALE. 37 CFR 1.84(k)

___ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s)____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

✓ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) *7 (Faded lines)*

11. SHADING. 37 CFR 1.84(m)

___ Solid black areas pale. Fig(s) ____

___ Solid black shading not permitted. Fig(s)____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

___ Numbers and reference characters not plain and legible. Fig(s)____

___ Figure legends are poor. Fig(s)____

___ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s)____

___ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s)____

___ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s)____

13. LEAD LINES. 37 CFR 1.84(q)

___ Lead lines missing. Fig(s)____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

___ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s)____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

___ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s)____

16. DESIGN DRAWINGS. 37 CFR 1.152

___ Surface shading shown not appropriate. Fig(s)____

___ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s)____

COMMENTS:

* *"FIG. 13(page 136)" label must not be enclosed within the drawing.*

Reviewer SON LAM

Date 12/06/2006

If you have questions, call (703) ~~305-8404~~ 305-0333 (EXT. 133)

Attachment to Paper No. ____

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. None

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MAR 2 8 2007

OFFICE OF PETITIONS

ANTHONY G. VOLINI
1166 S. HIGHLAND
OAK PARK IL 60304

In re Application of	:	
Joseph Bronner	:	
Application No. 10/401,071	:	DECISION ON THE RENEWED
Filed: March 27, 2003	:	PETITION UNDER 37 C.F.R.
Attorney Docket Number:	:	§1.137(A) AND THE
1632-1132	:	PETITION UNDER 37 C.F.R.
Title: MASONRY CONNECTORS	:	§1.137(B)
AND TWIST-ON HOOK AND METHOD	:	

This is a decision on the renewed petition filed February 13, 2007 pursuant to 37 C.F.R. §1.137(a)[1], and the concurrently filed petition pursuant to 37 C.F.R. §1.137(b)[2], to revive the above-identified application.

---

1 A grantable petition pursuant to 37 C.F.R. §1.137(a) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. §1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. §1.20(d)) required pursuant to paragraph (d) of this section.

2 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))

BACKGROUND

A Notice of Allowance and Issue Fee Due was mailed on July 11, 2006. The issue and publication fees were received on July 21, 2006, and on September 26, 2006, the Office mailed a "Notice of Drawing Inconsistency with Specification" (notice), which indicated that corrected drawings and/or a specification were required. The notice set a one-month, non-extendable period to respond. No response was received, and accordingly, the above-identified application became abandoned on October 27, 2006.

RELEVANT PORTIONS OF THE MPEP AND C.F.R.

MPEP §711.03(c)(I)(A) sets forth, in toto:

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 stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

---

required pursuant to paragraph (d) of this section.

37 C.F.R. § 1.134 Time period for reply to an Office action.

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

[47 FR 41276, Sept. 17, 1982, effective Oct. 1, 1982; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

37 C.F.R. § 1.135 Abandonment for failure to reply within time period.

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

[Paras. (a), (b), and (c), 47 FR 41276, Sept. 17, 1982, effective Oct. 1, 1982; para. (d) deleted, 49 FR 555, Jan. 4, 1984, effective Apr. 1, 1984; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

ANALYSIS

The original petition pursuant to 37 C.F.R. §1.137(a) was filed on October 27, 2006, and was dismissed via the mailing of a decision on December 11, 2006, for failure to provide the required reply and for failure to establish that the entire period of delay was unavoidable. Petitioner included the petition fee and an assertion that the notice was not received, but failed to submit the required reply, the required attestation, and a copy of the docket record.

The petition pursuant to Rule §1.137(a):

With this renewed petition, Petitioner has asserted that the notice was not received. Petitioner has previously submitted the petition fee, thus meeting the second requirement of 37 C.F.R. §1.137(a). It is noted that no terminal disclaimer is required.

Petitioner has met the first requirement of the Rule, via the submission of corrected drawings.

Regarding the third requirement, Petitioner has asserted that the Notice of Allowance and Issue Fee Due was not received, and has attested that he has searched the "file/jacket of the file and all contents therein." He has indicated that in lieu of a formal docket record, he maintains a "to-do' list, however once the items on said "to-do" list are completed, the list is discarded. As such, he is not in a position to be able to provide a copy of the same.

Since the third requirement of the Rule cannot be met, the showing is incomplete. It follows that the present petition pursuant to Rule §1.137(a) must be **DISMISSED**.

The petition pursuant to Rule §1.137(b):

37 C.F.R. §1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

Petitioner has submitted the petition fee, a replacement drawing sheet, and has made a statement which is being construed as the proper statement of unintentional delay. No terminal disclaimer is required.

Consequently, the petition pursuant to Rule §1.137(b) is **GRANTED**.

CONCLUSION

The petition pursuant to Rule §1.137(a) is dismissed.
The petition pursuant to Rule §1.137(b) is granted.

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[3]. All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

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

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3 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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MAR 0 1 2007

OFFICE OF PETITIONS

In re Application of

:

Joseph Carbain

:

Application No. 10/401,072

: DECISION ON PETITION

Filed: March 27, 2003

:

Attorney Docket No. 2002-0478

This is a decision on petition under 37 CFR 1.137(b), filed October 10, 2006, to revive the above-identified application.

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

This application became abandoned for failure to respond in a timely manner to the Notice of Allowance and Issue Fee Due mailed April 20, 2006. The notice allowed a statutory period for reply of three months from its mailing date. No reply was received within the allowable period, and the application became abandoned on July 21, 2006. A Notice of Abandonment was mailed on August 23, 2006.

Form PTOL-85B and the issue fee payment were received on October 10, 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 application is being forwarded to the Office of Patent Publications for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
David W. Herring
615 West Mount Pleasant Avenue
Livingston, NJ 07039

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HARNESS DICKEY & PIERCE
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

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NOV 2 2 2004

OFFICE OF PETITIONS

In re Application of :
Michael D. Robbins :
Application No. 10/401,074 : NOTICE
Filed: march 27, 2003 :
Attorney Docket No. 9874-000003 :

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 Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 2823.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Gordon & Jacobson, P.C.
65 Woods End Road
Stamford CT 06905

In re Application of :
Jorge Orbay :
Serial No.: 10/401,089 :
Filed: March 27, 2003 :
Title: Bone Fracture Fixation System with :
Subchondral and Articular Surface Support :

DECISION PETITION

This is in response to the petition applicant filed on March 27, 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, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

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JUN 17 2008

OFFICE OF PETITIONS

In re Patent No. 7,231,346 :
Issue Date: June 12, 2007 :
Application No. 10/401,107 : ON PETITION
Filed: March 26, 2003 :
Attorney Docket No. 50074/DBP/A400 :

This is a decision on the petition filed May 23, 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) 272-3215. 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.

Charlema Grant
Petitions Attorney
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

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OFFICE OF PETITIONS

In re Application of O'Reilly et al. :
Application No. 10/401,108 : Decision on Petition
Filing Date: March 27, 2003 :
Attorney Docket No. 05231-0603 :

This is a decision on the petition under 37 CFR 1.137(a), filed June 14, 2007, to revive the above-identified application. The petition is filed in the alternative under 37 CFR 1.137(b). The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

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

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

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

Facts:

A final Office action was mailed November 2, 2005. The final Office action included a nonstatutory double patenting rejection.

A RCE, amendment, and terminal disclaimer were timely filed on February 2, 2006.

The February 2, 2006 terminal disclaimer disclaimed any patent term beyond the patent terms for Patent Nos. 5,639,725, 5,837,682, and 5,945,403.

A non-final Office action mailed April 18, 2006, stated the February 2, 2006 terminal disclaimer had been reviewed and entered. The non-final Office included a nonstatutory double patenting rejection.

The reply filed July 18, 2006, included a terminal disclaimer disclaiming any patent term beyond the patent term for Patent No. 5,861,372.

The Office mailed a final Office action on October 11, 2006. The final Office action did not acknowledge the terminal disclaimer filed July 18, 2006. One of the rejections in the final Office action was a nonstatutory double patenting rejection based on claims in Patent No. 5,861,372.

The reply filed by petitioner on January 11, 2007, states a terminal disclaimer referencing Patent No. 5,861,372, was filed on July 18, 2006. The reply included a copy of the previously filed terminal disclaimer.

The terminal disclaimer involving Patent No. 5,861,372, filed on July 18, 2006, was entered and accepted by the Office on January 12, 2007.

On March 5, 2007,[1] the examiner sent petitioner a copy of a proposed examiner's amendment. Petitioner has supplied a copy of the amendment.

The petition states petitioner contacted the examiner by telephone on March 8, 2007, and requested entry of the examiner's amendment.

The file fails to indicate the examiner's amendment was ever entered into the application.

The petition states the examiner contacted petitioner on March 29, 2007. Petitioner states the examiner identified a new double-patenting rejection. Petitioner states the examiner requested a terminal disclaimer over commonly owned Patent No. 5,639,725.

The Office notes neither the examiner nor petitioner appear to have recognized the Office had already reviewed and approved a February 2, 2006 terminal disclaimer covering Patent No. 5,639,725.

On March 29, 2007, petitioner filed a terminal disclaimer. Unfortunately, a typographical error resulted in the terminal disclaimer covering Patent No. 5,539,725, rather than Patent No. 5,639,725.

On April 27, 2007, the examiner telephoned the law firm handling the case and left a voicemail message. Petitioner has supplied a transcript of the message. The examiner stated in part,

> I had indicated that I needed[a] terminal disclaimer over the commonly assigned U.S. Patent 5,639,725. When I look at the terminal disclaimer filed March the 29th, I see a patent number 5, 539,725.

Pursuant to MPEP 1490(V)(C), petitioner supplied a corrected terminal disclaimer on May 14, 2007.

A Notice of Abandonment was mailed May 15, 2007.

On May 23, 2007, the May 14, 2007 terminal disclaimer was reviewed, approved, and entered.

---

[1] Although the petition states the amendment was sent March 7, 2007, a copy of the transmittal page and the top line of the amendment indicate the amendment was sent March 5, 2007.

The instant petition was filed June 14, 2007.

Discussion :

The Office of Petitions contacted the examiner regarding the instant application and petition.

The examiner reviewed the papers filed January 11, 2007, in response to the final Office action mailed October 11, 2006. The examiner determined the papers were sufficient to avoid abandonment of the application. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR 1.181, petitioner's request to have the petition considered under 37 CFR 1.137(a) and 137(b) are dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, a petition fee has not been charged to petitioner's deposit account.

Technology Center Art Unit 1656 will be informed of the instant decision and the examiner will enter and consider the January 11, 2007 papers.

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

Paper No. 7

THOMAS A. O'ROURKE
BODNER & O'ROURKE
425 BROADHOLLOW ROAD
MELVILLE, NY 11747

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MAY 0 5 2004

OFFICE OF PETITIONS

In re Application of :
James A. Sebastian et al :
Application No. 10/401,109 : ON PETITION
Filed: March 27, 2003 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed April 26, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed May 22, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 23, 2003.

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

The application file is being forwarded to the Office of Initial Patent Examiantion.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CALIPER LIFE SCIENCES, INC.
605 FAIRCHILD DRIVE
MOUNTAIN VIEW CA 94043-2234

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DEC 10 2007

OFFICE OF PETITIONS

In re Application of :
Robert S. Dubrow et al. :
Application No. 10/401,110 : DECISION ON PETITION
Filed: March 27, 2003 : UNDER 37 C.F.R.
Attorney Docket Number: : § 1.137(B)
100/16201 :
Title: METHODS, SYSTEMS AND :
APPARATUS FOR SEPARATION AND :
ISOLATION OF ONE OR MORE :
SAMPLE COMPONENTS OF A :
SAMPLE BIOLOGICAL MATERIAL :

This is a decision on the petition filed August 13, 2007, pursuant to 37 C.F.R. § 1.137(b)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed December 1, 2006, which set a shortened statutory period for reply of three months. No

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.

extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no responses were received. Accordingly, the above-identified application became abandoned on March 2, 2007. A notice of abandonment was mailed on June 19, 2007.

With the present petition, Petitioner filed a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114, including a request for consideration of a concurrently submitted amendment and payment of the RCE fee. The RCE has been accepted as the required reply under 37 C.F.R. § 1.137(b)(1). Having made the proper statement of unintentional delay and having submitted the petition fee, Petitioner has met all other requirements for a grantable petition under 37 C.F.R. § 1.137(b). A terminal disclaimer is not required.

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

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. §1.114 - the amendment filed concurrently with this petition - can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[2]. All other inquiries concerning the status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JAN 18 2007

OFFICE OF PETITIONS

In re Application of :
NELSON, et al. :
Application No. 10/401,115 : DECISION ON PETITION
Filed: March 26, 2003 : TO WITHDRAW
Attorney Docket No. 2479.1089-017 : 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 11, 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, "assignee discharged firm and requested transfer of file", does not meet any of the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being

submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **VOLPE AND KOENIG, PC**
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

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JUL 11 2007

OFFICE OF PETITIONS

In re Application of :
George R. Nelson, Jr., et al :
Application No. 10/401,115 : DECISION GRANTING PETITION
Filed: March 26, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. TAN-2-1499.03.US :

This is a decision on the petition, filed July 9, 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 May 25, 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 2618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new 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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UNITED PLAZA, DEPT. ICC
PHILADELPHIA, PA 19103

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OCT 17 2007

OFFICE OF PETITIONS

In re Application of :

NELSON, et al. :
Application No. 10/401,115 : DECISION ON PETITION
Filed: March 26, 2003 : TO WITHDRAW
Attorney Docket No. : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to VOLPE AND KOENIG, P.C. has been revoked by the assignee of the patent application on March 16, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

Mail Date: 04/21/2010

Applicant	: Daniel Marcu	: DECISION ON REQUEST FOR
Patent Number	: 7620538	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/401,124	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/26/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1091** 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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DW 10-03

Paper No. 6

THOMAS E. YOUNG
FAY, SHARPE, FAGAN, MINNICH & MCKEE
SEVENTH FLOOR
1100 SUPERIOR AVENUE
CLEVELAND OH 44114-2579

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OCT 17 2003

OFFICE OF PETITIONS

In re Application of	:	
John E. Schnoebelen	:	
Application No. 10/401,169	:	DECISION DISMISSING
Filed: 27 March, 2003	:	PETITION
Atty Docket No. MAEE 2 13176-1	:	

This is a decision on the petition filed on 3 September, 2003, which is treated as a petition filed under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of prior-filed Application No. 09/930,419, filed on 16 August, 2001 (issued as U.S. Patent No. 6,579,587 on 17 June, 2003).

The petition is **DISMISSED AS MOOT**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

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

---

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross

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

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

The instant pending application was filed on 27 March, 2003, and was pending at the time of filing of the instant petition.

In the instant case, the Office recognized the claim for benefit of the prior-filed nonprovisional application, No. 09/930,419, which appeared on the transmittal letter for the instant application. Further, Office PALM records indicate that this application was published on 2 October, 2003, including the claim to benefit of the instant prior-filed nonprovisional application. In view thereof, a petition under 37 CFR 1.78(a)(3) is unnecessary.

A reference to add the above-noted, prior-filed application on page one following the first sentence of the specification has been included in an amendment filed on 3 September, 2003. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior application. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980) where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re de Seversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical

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references to other related applications may be made when appropriate (see § 1.14).

> disclosure-augmenting powers able to piece new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

Accordingly, a substitute amendment deleting the incorporation by reference statement should be filed.

The petition fee of $1,300.00 will be credited to counsel's deposit account, No. 06-0308, in accordance with the present petition.

This application is being forwarded to Technology Center 1700 for further processing.

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

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions

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CLEVELAND OH 44114-2579

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APR 14 2006
OFFICE OF PETITIONS

In re Application of :
John E. Schnoebelen Jr. :
Application No. 10/401,169 : ON PETITION
Filed: March 27, 2003 :
Attorney Docket No. MAEE 2 13176-1 :

This is a decision on the petition, filed April 12, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 15, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 1772 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. _____

Date : April 14, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

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APR 14 2006
OFFICE OF PETITIONS

SUBJECT : Withdrawal from Issue of

Applicant(s) :John E. Schnoebelen Jr.
Application No. :10/401,169
Filed :March 27, 2003

The above-identified application has been assigned Patent No. 7,029,737 and an issue date of April 18, 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 April 18, 2006:

"All reference to Patent No. 7,029,737 to John E. Schnoebelen Jr. of Missouri for PAINT MASKING FOR CORNERS appearing in the Official Gazette of April 18, 2006 should be deleted since no patent was granted."

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

cc: Paul Harrison, MDW-4B03,(FAX-273-5468)
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038
Duane Davis P/OPC MDE-7D89

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FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

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JUN 26 2008

OFFICE OF PETITIONS

In re Patent No. 7,123,806 :
Issue Date: October 17, 2006 :
Application No. 10/401,176 : ON PETITION
Filed: March 27, 2003 :
Attorney Docket No. 8299.87041 :

This is a decision on the petition filed October 30, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that Lightmaze Solutions AG is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

The petition fee under § 1.17(i) of $130 has been charged to petitioner's deposit account as authorized by John Gresens.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-6842. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Carl Friedman
Petitions Examiner
Office of Petitions

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VOLENTINE & WHITT, PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON, VA 20190

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AUG 17 2007

OFFICE OF PETITIONS

In re Application of :
Knut Beekmann, et. al. :
Application No. 10/401,184 : ON PETITION
Filed: March 28, 2003 :
Attorney Docket No. WLJ.066C :

This is a decision on the petition under 37 CFR 1.137(b), filed on February 27, 2007, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed July 27, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2823, for review of the amendment filed with the instant petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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RESTON VA 20190

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OFFICE OF PETITIONS

In re Application of

BEEKMANN, Knut et al.
Application No. 10/401,184
Filed: March 28, 2003
Attorney Docket No. WLJ.066C

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 February 04, 2009.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that act (2) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

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 Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON VA 20190

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MAR 25 2009

OFFICE OF PETITIONS

In re Application of :
BEEKMANN, Knut et al. :
Application No. 10/401,184 : DECISION ON PETITION
Filed: March 28, 2003 : TO WITHDRAW
Attorney Docket No. **WLJ.066C** : 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 03, 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 Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Adam Volentine on behalf of Raymond Jones who is associated with customer No. 20987. Adam Volentine and Raymond Jones have been withdrawn as attorneys or agents of record; all other attorneys remain of record.

The correspondence address of record remains unchanged. There is an outstanding Office action mailed October 15, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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JUL 22 2005

OFFICE OF PETITIONS

In re Application of :
Warren M. Farnworth, et al. :
Application No. 10/401,199 : ON PETITION
Filed: March 27, 2003 :
Attorney Docket No. 3593.9US (97-0834.09/US) :

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 2, 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 2839 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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In re Application of :
Warren Farnworth, et al. :
Application No. 10/401,199 : ON PETITION
Filed: March 27, 2003 :
Attorney Docket No.: 3593.9US (97-0834.09/US) :
:

This is a decision on the petition, filed January 5, 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 November 7, 2005, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

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

The application is being referred to Technology Center AU 2839 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of :
Salman Akram, et al. :
Application No. 10/401,209 : ON PETITION
Filed: March 27, 2003 :
Attorney Docket No.: 3041.3US (96-0973.04/US) :
:

This is a decision on the petition, filed October 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 September 15, 2005, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

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

The application is being referred to Technology Center AU 2125 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070123

DATE : January 23, 2007

TO SPE OF : ART UNIT 2858

SUBJECT : Request for Certificate of Correction on Patent No.: 7,005,861 B1

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

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

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

☐ **Approved** **All** changes apply.

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

☒ **Denied** State the reasons for denial below.

Comments:

The Certificate of Correction contains multiple errors. The column 8, line 55 change should contain the word "refection" in quotes, not "reflection". Claim 34, line 6 does not contain the word "on", it is suggested that the change be applied to the first line of claim 6 (column 20, line 34). It is noted that Applicant uses a combination of claim numbers and column line numbers for making changes to the claims, which is confusing. It is suggested that the changes to the claims be referred to as shown above, either by stating the claim number along with the specific line of that claim (eg. first line of claim 13) or by stating the column and line number (eg. column 21, line 6).

ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

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DEC 17 2004

OFFICE OF PETITIONS

In re Application of :
Robert W. Hitchcock, et al. :
Application No. 10/401,224 : NOTICE
Filed: March 26, 2003 :
Attorney Docket No. 2020-5751US

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

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

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

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3201.

This file is being referred to Technology Center 3736 for examination in due course.

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

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Paper No. 7

WILLIAM B. GOWANLOCK
MCCORMICK, PAULDING & HUBER LLP
185 ASYLUM STREET, CITYPLACE II
HARTFORD, CT 06103

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APR 2 8 2004

OFFICE OF PETITIONS

In re Application of :
Gomez, et al. :
Application No. 10/401,226 : ON PETITION
Filed: March 27, 2003 :
Attorney Docket No. 5814-88-01 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 12, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed May 12, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 13, 2003. A Notice of Abandonment was mailed on February 10, 2004.

Please note, the $55.00 statutory disclaimer fee will be refunded to deposit account no. 13-0235, as a terminal disclaimer is not required.

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

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/401,241	03/27/2003	Anssi Tuomas Aura	14917.549US01	1132

27488 7590 12/26/2007
MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
SANDOVAL, KRISTIN D	
ART UNIT	PAPER NUMBER
2132	

MAIL DATE	DELIVERY MODE
12/26/2007	PAPER

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

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

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

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DEC 27 2007

TECHNOLOGY CENTER 2100

In re Application of:
Anssi AURA
Appl. No.: 10/401,241
Filed: March 27, 2003
For: METHOD AND SYSTEM FOR AUTHENTICATING MESSAGE

DECISION ON PETITION
UNDER 37 CFR § 1.59

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

The petition is **DISMISSED**.

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

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/401,241	03/27/2003	Anssi Tuomas Aura	14917.549US01	1132

27488 7590 06/10/2008
MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
SANDOVAL, KRISTIN D	

ART UNIT	PAPER NUMBER
2132	

MAIL DATE	DELIVERY MODE
06/10/2008	PAPER

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

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

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Rene A. Pereyra
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

In re Application of:
Anssi T. AURA
Appl. No.: 10/401,241
Filed: March 27, 2003
For: METHODS AND SYSTEMS FOR AUTHENTICATING MESSAGES

DECISION ON PETITION
UNDER 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed on 27 May 2008, to expunge information submitted on 11 December 2007.

The petition is **GRANTED**.

Petitioner requests that the information submitted on 11 December 2007 be expunged from the record. Petitioner states that the materials are proprietary subject. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

Applicant is required to retain the expunged documents for the life of any patent, which issues on the above-identified application.

The expunged documents are herewith returned. However, the petitions and support documents will not be returned.

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

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

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Paper No. 5

Conley Rose, P.C.
P.O. Box 684908
Austin TX 78768-4908

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DEC 0 8 2003

OFFICE OF PETITIONS

In re Application of :
Ady Levy, Kyle A. Brown, Rodney Smedt, :
Gary Bultman, Mehrdad Nikoonahad, Dan :
Wack, John Fielden, and Ibrahim Abdul-Halim :
Application No. 10/401,242 :
Filed: March 27, 2003 : DECISION ON PETITION
Attorney Docket No. 5589-02325 P688-01C :
Title: METHODS AND SYSTEMS FOR :
DETERMINING A CRITICAL DIMENSION :
AND OVERLAY OF A SPECIMEN :

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed September 30, 2003.

On March 27, 2003, the application was deposited, identifying Ady Levy, Kyle A. Brown, Rodney Smedt, Gary Bultman, Mehrdad Nikoonahad, Dan Wack, John Fielden, and Ibrahim Abdul-Halim as joint inventors. The application was deposited without a fully executed oath or declaration. On June 26, 2003, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that an executed oath or declaration, a

[1]A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

surcharge of $130.00, the basic filing fee, and additional claim fees were required. This Notice set a two-month period for reply.

On September 30, 2003, the Office received a declaration that had been executed by each of the joint inventors save inventor Nikoonahad, the basic filing fee, the surcharge, the petition fee, and a one-month extension of time to make timely this response[2].

The petition has met requirements (1) – (3) and (5) above.

Regarding the fourth requirement, petitioner has not shown that a *complete* copy of the application was sent to the non-signing inventor. Petitioner has included a copy of the letter which was sent to the non-signing inventor, which sets forth that a copy of the preliminary amendment, the declaration, and the assignment were enclosed. No mention is made of a copy of the application. Had the application been included in the package, it seems that it would have been mentioned in the letter. As such, it is clear that the Rule 47 applicant did not present the inventor with a copy of the entire application.

It follows that one cannot refuse to sign something which one has not been presented with. 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. 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[3].

For these reasons, the petition under 37 C.F.R. §1.47(b) 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 "Second Renewed Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The reply to this letter may be submitted by mail[4], hand-delivery[5], or facsimile[6]. **Please note that the later two have changed, as of December 1, 2003.**

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

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2 The petition contains a certificate of mailing dated September 25, 2003.
3 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202
6 (703) 872-9306.

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

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

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COMMISSIONER FOR PATENTS
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Paper No. 7

Conley Rose, P.C.
P.O. Box 684908
Austin TX 78768-4908

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OFFICE OF PETITIONS

In re Application of
Ady Levy, Kyle A. Brown, Rodney Smedt, Gary Bultman, Mehrdad Nikoonahad, Dan Wack, John Fielden, and Ibrahim Abdul-Halim
Application No. 10/401,242
Filed: March 27, 2003
Attorney Docket No. 5589-02325 P688-01C
Title: METHODS AND SYSTEMS FOR DETERMINING A CRITICAL DIMENSION AND OVERLAY OF A SPECIMEN

DECISION ON RENEWED PETITION

This is in response to the renewed petition under 37 C.F.R. §1.47(a)[1], filed January 9, 2004.

On March 27, 2003, the application was deposited, identifying Ady Levy, Kyle A. Brown, Rodney Smedt, Gary Bultman, Mehrdad Nikoonahad, Dan Wack, John Fielden, and Ibrahim Abdul-Halim as joint inventors. The application was deposited without a fully executed oath or declaration. On June 26, 2003, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that an executed oath or declaration, a

[1] A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

surcharge of $130.00, the basic filing fee, and additional claim fees were required. This Notice set a two-month period for reply.

The original petition was submitted on September 30, 2003, and was dismissed via the mailing of a decision on December 8, 2003, for failure to establish that a complete copy of the application was sent to the non-signing inventor.

With the renewed petition, petitioner has submitted the required documentation. As such, the above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

After this decision is mailed, the application will be forwarded to Technology Center 2800 for further processing.

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

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

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Mehrdad Nikoonahad
271 Oakhurst Place
Menlo Park, CA 94025

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OFFICE OF PETITIONS

In re Application of
Ady Levy, Kyle A. Brown, Rodney Smedt, Gary Bultman, Mehrdad Nikoonahad, Dan Wack, John Fielden, and Ibrahim Abdul-Halim
Application No. 10/401,242
Filed: March 27, 2003
Attorney Docket No. 5589-02325 P688-01C
Title: METHODS AND SYSTEMS FOR DETERMINING A CRITICAL DIMENSION AND OVERLAY OF A SPECIMEN

LETTER

Dear Mr. Nikoonahad:

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, an agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you, on behalf of the deceased, pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

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

Conley Rose, P.C.
P.O. Box 684908
Austin TX 78768-4908

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Commissioner for Patents
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Leslie-Anne Horvath
Patent Department
Neurogen Corporation
35 NE Industrial Road
Branford, CT 06405

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OFFICE OF PETITIONS

In re Patent No. 6,858,637 :
Issue Date: February 22, 2005 :
Application No. 10/401,270 : ON PETITION
Filed: March 27, 2003 :
Patentee(s): Yang Gao, et. al. :

This is a decision on the petition under 37 CFR 1.137(b) filed April 15, 2009, which is being treated as a petition under 37 CFR 1.378(c), to accept the delayed payment of a maintenance fee for the above-identified patent.

The present petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Dwight D. Kim appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **DISMISSED**.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (2) and (3) above.

It is noted that petitioner submitted $1,620 for treatment of the present petition. Since Office records fail to show that petitioner submitted $490 for payment of the small entity 3 ½ year maintenance fee and $1,640 for payment of the unintentional late surcharge, the $1,620 has been applied towards the $490 maintenance fee leaving a fee deficiency of $1130 for the unintentional surcharge. Therefore, this patent cannot be reinstated until the Office receives the required fee deficiency of $1130 noted above.

A courtesy copy of this decision is being mailed to the address given on the petition. However, if petitioner desires to receive future correspondence regarding maintenance

fees for the above patent, the appropriate power of attorney or authorization of agent and a "Fee Address Indication" and/or "Request for Customer Number" forms must be submitted. See USPTO forms PTO/SB/47 and PTO/SB/125.

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

Any petition for reconsideration of this decision must be accompanied by the petition fee of $400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

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

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

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

The centralized facsimile number is (571) 273-8300.

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Dwight D. Kim
Edwards Angell Palmer & Dodge, LLP
P.O. Box 55874
Boston, MA 02205

UNITED STATES 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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AUG 25 2009

OFFICE OF PETITIONS

Leslie-Anne Horvath
Patent Department
Neurogen Corporation
35 NE Industrial Road
Branford, CT 06405

In re Patent No. 6,858,637 :
Issue Date: February 22, 2005 :
Application No. 10/401,270 : ON PETITION
Filed: March 27, 2003 :
Patentee(s): Yang Gao, et. al. :

This is a decision on the renewed petition under 37 CFR 1.378(c) filed August 24, 2009, which is being treated as a petition under 37 CFR 1.378(c), to accept the delayed payment of a maintenance fee for the above-identified patent.

The present petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Mark D. Russett appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

Additionally, it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

Since petitioner has demonstrated to the satisfaction of the Commissioner that the delay in timely paying the maintenance fee was unintentional, the petition under 37 CFR 1.378(c) is hereby **GRANTED**.

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

It is noted that the petition filed on April 15, 2009 authorized the Office to charge "any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account". Therefore, the reconsideration petition fee of $400 is hereby waived and will be credited to petitioner's deposit account. The undersigned apologizes for any inconvenience caused to petitioner.

This patented file is being forwarded to Files Repository.

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

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Leslie-Anne Horvath
Patent Department
Neurogen Corporation
35 NE Industrial Road
Branford, CT 06405

COPY MAILED

SEP 02 2009

OFFICE OF PETITIONS

In re Patent No. 6,858,637
Issue Date: February 22, 2005
Application No. 10/401,270
Filed: March 27, 2003
Patentee(s): Yang Gao, et. al.

NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on August 24, 2009.

The request is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34(a), the signature of Mark D. Russett appearing on the request shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

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**. Therefore, status as a small entity has been removed and all future fees submitted must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 03 2003

Director's Office
Group 3700

John P. Cornely
Fay, Sharpe, Fagan, Minnich & McKee, LLP
7th Floor
1100 Superior Avenue
Cleveland, OH 44114-2518

Paper No. 4

In re Application of
SIEFKER, JOSEPH D.
Application No.: 10/401,298
Filed: March 27, 2003

: **DECISION ON**
: **PETITION TO**
: **MAKE SPECIAL**
:

This is a decision on the petition filed April 2, 2003 to make special under 37 CFR 1.102(d).

Since the requirements of 37 CFR 1.102(d) and MPEP 708.02, VIII have been met, the petition is granted.

The application is being forwarded to the examiner for an action on the merits.

Linda J. Sholl
Special Program Examiner
Technology Center 3700
Phone: (703) 308-1288

UNITED STATES 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. 4

Barnes & Thornburg
11 South Meridian
Indianapolis IN 46204

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SEP 0 4 2003

OFFICE OF PETITIONS

In re Application of
Strezov et al.
Application No. 10/401,300
Filed: March 27, 2003
Attorney Docket No. 29685-72251

DECISION ON PETITION

This is a decision on the petition filed July 11, 2003, requesting that the above-identified application be accorded a filing date of March 27, 2003, with Figure 4 as part of the original disclosure.

On March 27, 2003, applicants filed the above-identified application. On June 24, 2003, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts(s) of a Nonprovisional Application," stating that the application had been accorded a filing date of March 27, 2003, and advising applicants that Figure 4 appeared to have been omitted. Additionally, the Notice indicated that the oath or declaration was unsigned and required the payment of a surcharge for the late filing of the oath or declaration.

In response, on July 11, 2003, applicants filed a declaration, the present petition, a copy of Figure 4, and an authorization to charge the Deposit Account for the requisite fees. The petition states that Figure 4 was inadvertently omitted at the time of file. Additionally, applicants assert that an individual skilled in the art could reproduce the graph in Figure 4 by using the words contained in the specification to plot the two points and then connect the dots.

As applicants admit, Figure 4 was not present on the filing of the above-identified application. Accordingly, the Notice mailed on June 24, 2003, was correct in stating that Figure 4 described in the specification had been omitted. Therefore, the requirement for the omitted figure was proper and will not be withdrawn.

Therefore, the petition is dismissed.

The determination of new matter is for the examiner to decide. The Office acknowledges receipt of the preliminary amendment requesting entry of Figure 4. The application, including the preliminary amendment, will be forwarded to the examiner for review.

The $130.00 petition fee will be charged to Deposit Account No. 10-0435, as authorized by applicants.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of March 27, 2003, using only the Figures submitted on filing. Figure 4 will **NOT** be entered in the application at this time.

Thereafter, the application will be forwarded to Technology Center 1700 for consideration of the preliminary amendment filed July 11, 2003.

Any request for reconsideration of this decision should be filed within **TWO (2) MONTHS** of the mailing date of this decision and be **sent to the attention of Senior Petitions Attorney Christina Tartera Donnell:**

By mail:	Commissioner for Patents Mail Stop Petition P.O. Box 1450 Alexandria, VA 22313-1450
By FAX:	(703) 308-6916 Attn: Office of Petitions
By hand:	Crystal Plaza Four, Suite 3C23 2201 South Clark Place Arlington, VA

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAHN LOESER & PARKS, LLP
ONE GOJO PLAZA
SUITE 300
AKRON OH 44311-1076

COPY MAILED

AUG 15 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Lazar Strezov et al. :
Application No. 10/401,300 :
Filed: March 27, 2003 :
Attorney Docket No. 201141.00035 :

This is a decision on the petition to withdraw the holding of abandonment, filed April 13, 2006, which is treated under 37 CFR 1.181.

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

A Final Office Action was mailed July 12, 2005 setting a three month period for reply. In response thereof, petitioners filed a Request for Continued Examination (RCE), an Information Disclosure Statement as the submission required under 37 CFR 1.114, a three month extension of time request and a certificate of mail dated January 12, 2006. A Notice of Improper RCE was mailed February 8, 2006 because a proper submission was not filed with the RCE as required by 37 CFR 1.114. Thereafter a Notice of Abandonment was mailed February 28, 2006.

Petitioner asserts that a proper response in the form of an Information Disclosure Statement (IDS) was filed on January 12, 2006 with the RCE. While petitioners are correct and a review of the file reveals that the IDS was in fact filed January 12, 2006 with the RCE, the filing of only the IDS with the RCE would be sufficient if there wasn't an outstanding office action. In this instance, the IDS, while a proper reply to the RCE cannot serve as a response to place the application in condition for allowance. Thus, the application became abandoned for failure to file a proper response to the Final Office Action mailed July 12, 2005. Therefore, no response having been filed to the Final Office Action, the application became abandoned January 13, 2006.

Accordingly, the holding of abandonment cannot be withdrawn and will remain in an abandoned status until such time as a response which places the application in condition for allowance is filed.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR

1.137 (a)[1] or 37 CFR 1.137(b),[2] 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).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

---

[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 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)).

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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HAHN LOESER & PARKS, LLP
ONE GOJO PLAZA
SUITE 300
AKRON OH 44311-1076

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OFFICE OF PETITIONS

In re Application of :
Lazar Strezov et al. :
Application No. 10/401,300 : ON PETITION
Filed: March 27, 2003 :
Attorney Docket No. 201141.00035 :

This is a decision on the petition under 37 CFR 1.137(b)[1], filed November 13, 2006, to revive the above-identified application.

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

A Final Office Action was mailed July 12, 2005 setting a three month period for reply. In response thereof, petitioners filed a Request for Continued Examination (RCE), an Information Disclosure Statement as the submission required under 37 CFR 1.114, a three month extension of time request and a certificate of mail dated January 12, 2006. A Notice of Improper RCE was mailed February 8, 2006 because a proper submission was not filed with the RCE as required by 37 CFR 1.114. Thus, the application became abandoned for failure to file a proper response to the Final Office Action mailed July 12, 2005 and accordingly, a Notice of Abandonment was mailed February 28, 2006.

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

The application is being forwarded to Technology Center 1742 for processing of the RCE. Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

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

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

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

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

Mail Date: 06/24/2010

Applicant	: Christina LaComb	: DECISION ON REQUEST FOR
Patent Number	: 7653871	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/401,310	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/27/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **2070** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/401,317	03/27/2003	Jeffrey L. Hamilton	98SW148-A	3286

7590 09/04/2009

Rockwell Automation, Inc.
1201 South Second Street 704-P
Milwaukee, WI 53204

EXAMINER	
CHOW, DOON Y	

ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
09/04/2009	PAPER

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

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

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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Rockwell Automation, Inc
1201 South Second Street 704-P
Milwaukee, WI 53204

In re Application of:
Jeffery L. Hamilton, et al.
Application No. 10/401,317
Filed: March 27, 2003
For: System and Methodology Providing Graphical Object in an Industrial Automation Environment

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

This is a decision on petition to withdraw the holding of abandonment under 37 CFR § 1.181 filed in the instant application on November 21, 2008.

This application was held abandoned for failure to file a timely response to the Office action mailed on April 3, 2008. The Notice of Abandonment having been mailed on October 16, 2008.

In support of the petition, applicant provides a copy of the response to the Office action, Petition for Extension of Time and the Electronic Acknowledgement Receipt showing a receipt date of October 3, 2008 of the applicant's response. Additionally, our electronic records reveal applicant timely filed the same response and Petition for Extension of Time on October 3, 2008.

Therefore, applicant has established a timely filing of a response, and that the Notice of Abandonment was in error.

Accordingly, the petition is **GRANTED**.

The holding of abandonment is hereby withdrawn. The application is being forwarded to the examiner for proper consideration of the response filed on October 3, 2008.

/Eddie C. Lee/

Workgroup Quality Assurance Specialist
Technology Center 2100
571-272-1732

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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EI DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

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FEB 08 2008

OFFICE OF PETITIONS

In re Application of :
Nicole L. Blankenbeckler et al :
Application No. 10/401,347 : DECISION GRANTING PETITION
Filed: March 28, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. KB4630 US NA :

This is a decision on the petition under 37 CFR 1.137(b), filed July 25, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Final Rejection of December 1, 2006, is accepted as having been unintentionally delayed.

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

This matter is being referred to Technology Center AU 1615.

Karen Creasy
Petitions Examiner
Office of Petitions

OIPE JC183 JUL 0 3 2003 PATENT & TRADEMARK OFFICE

RECEIVED JUL 0 8 2003 TC 1700

Copy

PTO/SB/83 (08-03)
Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

Application Number	10/401,351
Filing Date	3/28/03
First Named Inventor	Michael Rueter
Art Unit	
Examiner Name	
Attorney Docket Number	HT-33

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

RECEIVED JAN 16 2004 TC 1700

I hereby apply to withdraw as attorney or agent for the above identified patent application.

The reasons for this request are: See Attachment

CORRESPONDENCE ADDRESS

1. [x] The correspondence address is NOT affected by this withdrawal.
2. [ ] Change the correspondence address and direct all future correspondence to:

[ ] Customer Number:

OR

[ ] Firm or Individual Name					
Address					
Address					
City		State		Zip	
Country					
Telephone			Fax		

[x] This request is made on behalf of myself and
- [ ] all the attorneys/agents of record.
- [ ] the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- [ ] the attorneys/agents associated with Customer Number

This request is enclosed in triplicate (including any attachments).

Name	Daniel M. Kennedy		
Signature	Daniel M Kennedy	Registration No.	32,144
Date	7/2/03		

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Approved JUL 20 2004

Jacqueline M. Stone, Director
Technology Center 1700

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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SCHNADER HARRISON SEGAL & LEWIS, LLP
1600 MARKET STREET, SUITE 3600
PHILADELPHIA PA 19103

COPY MAILED

APR 0 2 2007

OFFICE OF PETITIONS

In re Application of :
MAO, Guiquan :
Application No. 10/401,356 : DECISION ON PETITION
Filed: March 28, 2003 : TO WITHDRAW
Attorney Docket No. 3002083-0008 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 25, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Joan T. Kluger of SCHNADER HARRISON SEGAL & LEWIS LLP has been revoked by the assignee of the patent application on November 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 the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

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

MAY 13 2005

ANTHONY L. CUPOLI
111 BUNNING DRIVE
VOORHEES NJ 08043

In re Application	:	
Meyer Schilder	:	
Serial No.: 10/401,357	:	DECISION ON PETITION
Filed: March 28, 2003	:	
For: Systems and Methods for Detecting	:	
Mapping Disorders of the Macular Portion	:	
Of the Retina	:	

This is in response to applicants' petition filed December 8, 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. 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 Richard Bertsch by letter addressed to the Director, Technology Center 3700, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (571) 272-3750 or by facsimile transmission at (703) 872-9306.

Richard A. Bertsch, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 6

CHARLES E. GRAVES ASSOCIATES, P.C.
SUITE 100
6818 OASIS PASS
AUSTIN, TX 78732

COPY MAILED

JUN 2 4 2004

OFFICE OF PETITIONS

In re Application of :
Ruiqi Tian, et al. :
Application No. 10/401,400 : ON PETITION
Filed: March 31, 2003 :
Attorney Docket No. 1-1-1 :

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed June 4, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 5, 2003.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

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

Retta Williams

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

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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510

In re Application of:
Haynes, Jeffrey D. et al.
Serial No.: 10/401,427
Filed: Mar. 28, 2003
Docket: 03-201
Title: COLD SPRAY NOZZLE DESIGN

DECISION ON PETITION SEEKING REVERSAL OF OBJECTION TO DRAWINGS

This is a decision on the petition filed on Jan. 26, 2006 seeking reversal of the objection to the drawings and entry of new drawing sheet of Fig. 5. The petition is being considered pursuant to 37 CFR 1.181. No fee is required. The petition fee $400.00 charged to the deposit account will be refunded upon request.

The petition is **DISMISSED**.

In the petition, petitioner requests review of the examiner's objection to the drawings under 37 CFR 1.83(a). The examiner objected to the drawings for failing to show the feature "only said diverging section is formed from said polybenzimidazole" as recited in claims 7 and 9. Petitioner believes that the objection to the drawings is in error and requests the new drawing sheet of Fig 5 be entered.

The record shows that:

1) In response to the non-final Office action dated Oct. 8, 2004, the applicant filed an amendment to the pending original claims and added new claims 6-9.
2) On Mar. 4, 2005, the examiner issued a final Office action and objected to the drawings under 37 CFR 1.83(a) because the drawings did not show every feature of the invention specified in claims 7 and 9. Specifically, the drawings did not depict the limitation "only said diverging section is formed from said polybenzimidazole " as recited in claims 7 and 9.
3) On Jun. 9, 2005, the applicant filed a response under 37 CFR 1.116 and added new Fig. 5 to illustrate the claimed feature "only said diverging section is formed from said polybenzimidazole" as stated in claims 7 and 9.
4) On Jun. 17, 2005, the examiner issued an advisory action and stated that the new drawing sheet showing Figure 5 is not sufficient for overcoming the drawing

objection under 37 CFR 1.83(a) as set forth under paragraph 2 of the Office action mailed March 4, 2005. The new drawing sheet showing Figure 5 appears as a partial cross-sectional view and does not clearly depict "wherein only said diverging section is formed from said polybenzimidazole" since it cannot clearly be determined whether the converging section is made from a different material or if the entire nozzle is formed from the same material. Likewise, the amendments to the specification found on page 3 of the Amendment After Final corresponding to the new drawing Figure 5 will not be entered. Applicant should re-submit the amendments to the specification when a corrected Figure 5 is submitted.

5) On Jul. 29, 2005, the applicant filed a RCE to further the prosecution of this case.
6) On Aug. 24, 2005, the examiner issued a final Office action and repeated the drawing objection under 37 CFR § 1.83(a).
7) On Jan 26, 2006, the present petition seeking reversal of the objection to the drawings in the Aug. 24, 2005 final Office action was filed.

Discussion and Analysis

Relevant portions of 37 CFR 1.83 Content of drawing, state: (a) The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (*e.g.*, a labeled rectangular box). In addition, tables and sequence listings that are included in the specification are, except for applications filed under 35 U.S.C. 371, not permitted to be included in the drawings.

In order to determine whether or not the drawings show the limitations in question, namely "only said diverging section is formed from said polybenzimidazole" as recited in claims 7 and 9, we must look to the originally filed drawings. Petitioner alleges that the proposed Fig. 5 satisfies the requirement of 37 CFR § 1.83(a) because the shaded portion of Fig. 5 illustrates the claimed subject matter of claims 7 and 9. However, the examiner disagreed for the reasons set forth in the advisory action of June 17, 2005. In particular, the examiner stated that the new drawing sheet does not clearly depict only said diverging section is formed from said polybenzinidazole. In the petition, petitioner argues that the detailed description of new Fig. 5 clearly states "Fig. 5 illustrates a supersonic nozzle 4' having only a diverging section is formed from polybenzimidazole", then, it flows from the disclosure that the unclaimed converging section is not formed from polybenzimidazole. However, the drawing sheet of Fig. 5 shows that the shaded portion (made of polybenzimidazole material) of the diverging section 102' of the nozzle is separated by a vertical rough or curved line. This line does not clearly demarcate the material of the converged section of the nozzle. It is uncertain if the converging section of the nozzle is formed by a different material or the entire nozzle is formed by the same material. Additionally, a review of the originally filed specification and drawings indicates applicant only presented figures showing nozzles formed of a single material. There is no support to conclude that a nozzle having only a diverging section formed from polybenzimidazole would necessarily have the form depicted in proposed Figure 5. In providing clarity, new matter cannot be introduced. A review of record clearly shows that the examiner's Office action was in compliance with applicable examining practice as set forth in MPEP 608.02(d). Therefore, the drawings are not

in compliance with 37 CFR 1.83(a). The examiner's final Office action dated Aug. 24, 2005 objecting to the drawings is correct.

Conclusion

For the foregoing reasons, the relief requested by petitioner will not be granted. Specifically, the examiner's objection to the drawings in the final Office action dated Aug. 24, 2005 is proper.

The application is being forwarded to Supervisory Patent Examiner of Art Unit 3752 for further processing. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

The petition is dismissed.

Karen M. Young

Karen M. Young, Director
Technology Center 3700

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GENENCOR INTERNATIONAL INC.
925 PAGE MILL ROAD
PALO ALTO, CA 94304-1013

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DEC 14 2004

OFFICE OF PETITIONS

In re Application of	:	
Estell, David A.	:	
Application No. 10/401,436	:	ON PETITION
Filed: March 26, 2003	:	
Attorney Docket No. GC382-US-D1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 6, 2004, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed July 14, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 15, 2004. A Notice of Abandonment was mailed on November 22, 2004.

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

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

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

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

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AKZO NOBEL INC.
LEGAL & IP
120 WHITE PLAINS ROAD, SUITE 300
TARRYTOWN, NY 10591

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FEB 0 2 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Willem Frederik Van Biemen et al :
Application No. 10/401,452 :
Filed: March 28, 2003 :
Attorney Docket No. ACO 2935 US :

This is a decision on the petition under 37 CFR 1.137(b), filed December 30, 2008, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 14, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 15, 2008.

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

This matter is being referred to Technology Center AU 1797 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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Paper No. 6

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

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OFFICE OF PETITIONS

In re Application of :
Zhigang Li et al :
Application No. 10/401,469 : ON PETITION
Filed: March 28, 2003 :
Attorney Docket No. ETH5053 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 20, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed May 22, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 23, 2003.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.[1]

The application file is being forwarded to the Office of Initial Patent Examination.

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

[1] Effective September 27, 2004, the phone number will be 571-272-3220.

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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OFFICE OF PETITIONS

In re Application of	:	
Keith G. Lurie	:	DECISION DISMISSING
Application No. 10/401,493	:	PETITION
Filed: March 28, 2003	:	
Attorney's Docket No. 016354-000116US	:	

This is a decision on the petition filed on June 20, 2003, requesting that the above-identified application be accorded a filing date of March 28, 2003, with Figures 29 & 39 described in the specification of the specification as a part of the original disclosure.

The petition is dismissed.

The application was filed on March 28, 2003.

Accordingly, on June 2, 2003, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, stating that the application had been accorded a filing date of March 28, 2003, but that Figures 29 & 39 described in the specification appeared to have been omitted. Additionally, applicants were advised that the oath or declaration, and a surcharge for its late filing was due.

In response, on June 20, 2003, the present petition and, *inter alia*, two (2) sheets of drawings containing Figures 29 & 39 described in the specification was filed. Petitioners argue that the sheets of drawings containing Figures 29 & 39 were filed with the other application papers on March 28, 2003, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of March 28, 2003, and identifies the application by the first named inventor's name, and attorney

docket number, and acknowledges receipt of, *inter alia*, "34 No. Sheets of Drawings". Petitioners request that the application, including two (2) sheets of drawings containing Figures 29 & 39 described in the specification, be accorded a filing date of March 28, 2003.

Petitioners argument has been considered, but is not persuasive. The showing of record is that 34 sheets of drawings containing Figures 1, 2A-2B on one page; 3, 4A-4B on one page; 5A-5C, 6A-6C and Figure 7 on one page; 8 and 9 on one page; 10A-10C on one page; 11, 12 on one page; 13, 14 on one page; 15, 16A on one page; 16B-16C on one page; 16D on one page; 17 on one page; 18 on one page; 19, 20-22 on one page; 23, 24 on one page; 30, 31 on one page; 32, 33 on one page; 34, 35 on one page; 36, 37 on one page; 40 on one page; 41 on one page; 42, 43 on one page; 44 on one page; 45 on one page; 46A-46B; 47A-47B, 48A-48B, 49A-49B on one page; 50A-50B on one page; 51A-51B, 52A-52B on one page; 53A-53B on one page; 54A on one page; 54B on one page; and 54C on one page; and two (2) copies of Figures 25, 26, 27, 28 on one page; and 38 on one page, were received in the Office on March 28, 2003, and petitioners' postcard receipt reflects that the Office received the items listed above. While the postcard itemizes the filing of 34 sheets of drawings, the postcard receipt does not itemize the filing of Figures 29 and 39. Absent a showing that Figures 29 and 39 were located within the 34 sheets of drawings received in the Office on March 28, 2003, petitioners simply have no evidence that Figures 29 & 39 were located among the application papers received in the Office on that date.

Petitioner may submit Figures 29 & 39 in the form of a preliminary amendment. If Figures 29 & 39 are submitted as a preliminary amendment, they will be reviewed by the examiner for new matter.

As the petition resulted from applicant's filing error and not as a result of an error on the part of the Office, the petition fee will not be refunded.

The application will be processed and examined using the application papers present on filing. The copies of drawings, including Figures 29 & 39, filed 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 forwarded to the Office of Initial Patent Examination for further processing with a filing date of March 28, 2003, using the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to Karen Creasy at (571)272-3208.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/401,503	03/27/2003	Patrick Gauthier	16222U-012310US	8622

66945 7590 06/23/2010

TOWNSEND AND TOWNSEND CREW LLP
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111

EXAMINER	
LASTRA, DANIEL	
ART UNIT	PAPER NUMBER
3688	

MAIL DATE	DELIVERY MODE
06/23/2010	PAPER

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

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

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JUN 23 2010

TOWNSEND AND TOWNSEND CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111

In re Application of Patrick GAUTHIER et al. Application No. 10/401,503 Filed: March 27, 2003 For: METHOD AND APPARATUS FOR ELECTRONIC SUPPORT AND DELIVERY OF MULTIPLE LOTTERY AND SWEEPSTAKE PROGRAMS, IN SUBSTANTIALLY OFF-LINE ENVIRONMENTS	:	DECISION ON PETITION REGARDING REQUEST TO WITHDRAW FINALITY UNDER 37 CFR §1.181

This is a decision on the petition under 37 CFR 1.181 filed April 30, 2010, requesting withdrawal of the finality of the Office Action mailed March 01, 2010.

The petition is **GRANTED**.

Petitioner argues that the March 01, 2010 Office Action was made improperly final, as Applicants did not introduce new subject matter with regards to the amendment filed on October 30, 2009 of claim 101, and did not have a full and fair chance to address the rejection to this claim based on the combination of Fernandez, Bush, and Small. Petitioner asserts that applicants amended dependent claim 101 to be independent, by incorporating prior parent claims 41, 39, and 36. Applicants noted on page 12 of the amendment that claim 101 was amended solely to include the subject matter of parent claims 41, 39, and 36. Thus the substance of independent claim 101 is the same as previously presented dependent claim 101.

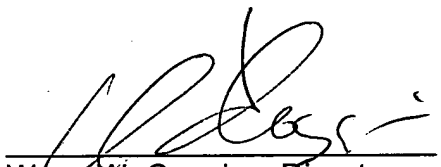
A review of the file shows that a non-final Office action was mailed on July 31, 2009. In this Office action, claims 36, 39, 41 and 101 were rejected under 35 USC §102(b) as anticipated by Fernandez (U.S. Pat. Pub. No. 2001/0016827). Applicants then filed an amendment on October 30, 2009. This amendment presented dependent claim 101 in independent form, by incorporating prior parent claims 36, 39 and 41. In response to the amendment filed on October 30, 2009, the examiner then issued the final rejection mailed on March 01, 2010. In this final Office action, claim 101 was rejected under 35 USC §103(a) as obvious in view of the combination of Fernandez, Bush (U.S. Pat. Pub. No. 2002/0028708), and Small (U.S. Pat. No. 4,815,741). The Examiner indicated that

this final rejection was proper because the new grounds of rejection were necessitated by the applicants' amendment.

MPEP 706.07(a) sets forth that "under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)."

Since the scope of independent claim 101 is exactly the same as the scope of dependent claim 101, the examiner should have maintained the 35 USC 102(b) rejection. However, the examiner applied a new grounds of rejection. Although applicants amended claim 101, the amendment did not necessitate the new ground of rejection. Thus, the finality was improper. Accordingly, the finality of the Office action mailed March 1, 2010, but not the action itself, is hereby vacated. The Office action mailed March 1, 2010 is now considered to be non-final and the shortened statutory period for reply continues to run THREE (3) MONTHS from the date of the mailing of the Office action.

Any questions regarding this letter should be directed to Lynda Jasmin at (571) 272-6782.



Wynn W. Coggins, Director
Technology Center 3600
571-272-5350

WG/lj

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Paper No. 10

Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road
P.O. Box 9133
Concord, MA 01742-9133

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MAY 17 2004

OFFICE OF PETITIONS

In re Application of	:	
G. Smith Anderson	:	
Application No. 10/401,517	:	ON PETITION
Filed: March 27, 2003	:	
Attorney Docket No. 3550.1000-001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 31, 2004 to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed May 30, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight July 30, 2003.

In response to the Notice to File Missing Parts, petitioner submitted with the instant petition $665 for the petition to revive fee, $385 for the filing fee, $117 in claim fees, an oath/declaration and $65 surcharge for the late filing of the oath/declaration. Petitioner also submitted a Power of Attorney, Statement under 37 CFR 3.73(b), and an Information Disclosure Statement (IDS).

Since the requirements for a grantable petition have been met, the petition is **GRANTED**.

The Power of Attorney filed March 31, 2004, has been accepted and made of record.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6711.

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

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OFFICE OF PETITIONS

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

In re Application of :
Shu-Ping Yang, et al. :
Application No. 10/401,522 : ON PETITION
Filed: March 28, 2003 :
Attorney Docket No. 1443.059US1 :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed January 17, 2007.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before September 13, 2006. A Notice of Abandonment was mailed on October 19, 2006. On January 17, 2007, the present petition was filed.

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

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

[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.

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/401,529	03/31/2003	Mark J. Stefik	111325-209

CONFIRMATION NO. 3684

22204
NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

WITHDRAWAL NOTICE

OC000000013855676

Date Mailed: 09/21/2004

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice mailed on 06/27/2003 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. We apologize for any inconvenience this caused.

A copy of this notice MUST be returned with the reply.

M. Abani

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

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

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MAR 1 8 2005

OFFICE OF PETITIONS

In re Application of
Stefik, et al.
Application No. 10/401,529
Filed: March 31, 2003
Attorney Docket No. 111325-023300

DECISION GRANTING PETITION

This is a decision on the "PETITION IN RESPONSE TO NOTICE OF OMITTED ITEM", filed November 10, 2004, which is being treated as a petition under 37 C.F.R. § 1.53 to accord the above-identified application a filing date of March 31, 2003, with page 131 of the specification as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on March 31, 2003. However, on September 21, 2004, the Initial Patent Examination Division mailed applicants a "Withdrawal of Previously Sent Notice" together with a "Notice of Omitted Item(s) in a Nonprovisional Application." Applicants were notified that a Notice previously mailed on June 23, 2003 had been withdrawn. In addition, while the application papers had been accorded a filing date of March 31, 2003, page 131 of the specification appeared to have been omitted.

With their petition, Applicants have submitted a postcard receipt, itemizing "Specification, claims and abstract (132 sheets)" as enclosed, and bearing a USPTO date stamp of March 31, 2003.

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.[1]

In view of the above, the petition is **GRANTED**.

Given the basis for granting this petition, the $130 petition fee has been refunded to Deposit Account No. 19-2380.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of March 31, 2003, using the application papers filed on that date and page 131 of the specification as resupplied on petition filed November 10, 2004. Thereafter the application file will be forwarded to Group Art Unit 3621 for examination.

Telephone inquiries related to this decision should be directed to Petitions Attorney Cliff Congo at 571-272-3207.

Charles Pearson
Director
Office of Petitions

[1] See MPEP 503.

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WASHINGTON DC 20043-9998

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In re Application of
Sridhar Varadarajan et al
Application No. 10/401,546
Filed: March 31, 2003
Attorney Docket No. 31446-187679

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final rejection mailed May 2, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 3694 for appropriate action by the Examiner in the normal course of business on the reply received February 23, 2009.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. 6

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

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OCT 0 7 2003

OFFICE OF PETITIONS

In re Application of :
Don J. Chandler et al :
Application No. 10/401,549 : NOTICE
Filed: March 31, 2003 :
Attorney Docket No. 215063.00816 :

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

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

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

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

This file is being forwarded to the Office of Initial Patent Examination.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : May 4 2007

TO SPE OF : ART UNIT 1773

SUBJECT : Request for Certificate of Correction for Appl. No. 10401549 patent no. 6929859

Please respond to this request for a certificate of correction within 7 days.
Reconsideration
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: Errors corrected are typographical / clerical. No changes in scope of claims.

Carol Chaney — SPE

1773 — Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 12, 2007

TO SPE OF : ART UNIT 3673 (10/401573)

SUBJECT : Request for Certificate of Correction on Patent No.: 7086650 B2

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

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

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

Thank You For Your Assistance

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

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

Comments:

PATRICIA ENGLE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Patricia L Engle — 3673

SPE — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed : 7-3-07

Patent No.: 7,192,763 B2
Patent Issued : March 20, 2007
Inventor(s): Haruo Seto, et. al.
Title: A STREPTOMYCES ANULATUS MICROORGANISM AND A Process for producing the substance GM-95
Docket No.: SAG-0000/DIV

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322or 1.323.

The alleged error on the title page, item [54] title, it is the practice to exclude words such as "Improvements in", "New", "A", etc., from the printed patent.

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.

A certificate of correction will issue to correct the remaining error noted in your request.

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

Lee Cheng
Rader, Fishman & Grauer
1233 20th Street, NAW., Suite 501
Washington, DC 20036

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/401,601	03/31/2003	William Earl Russell II	24GA126748	2349

33727 7590 08/27/2007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER	
MUSSELMAN, TIMOTHY A	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 08/27/2007

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

The request for deferral/suspension of action under 37 CFR 1.103 has been approved.

UNITED STATES PATENT AND TRADEMARK OFFICE

ED

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of:
RUSSELL, WILLIAM EARL II et al.
Appl. No.: 10/401,601
Filed: Mar. 31, 2003
For: **METHOD AND ARRANGEMENT FOR DETERMINING FRESH FUEL LOADING PATTERNS FOR NUCLEAR REACTORS**

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on Aug. 7, 2007.

The petition is **GRANTED**.

Pursuant to applicant's request filed on Aug. 7, 2007, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of six (6) months. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Henry C. Yuen, Special Programs Examiner, whose telephone number is (571) 272-4856.

Frederick R. Schmidt, Director
Technology Center 3700

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Commissioner for Patents
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Alexandria, VA 22313-1450
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Paper No. 12605

MCDERMOTT WILL & EMERY LLP
600 13th Street, N.W.
Washington, DC 20005-3096

In re Application of:	:	
TSUKITANI *et al.*	:	NOTICE OF WITHDRAWAL
Serial No.: 10/401,606	:	FROM ISSUE
Filed: March 31, 2003	:	UNDER 37 CFR § 1.313
Attorney Docket No.: **50212-485**	:	

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR § 1.313.

The above-identified application is hereby withdrawn from issue. The Notice of Allowance and Issue Fee Due and the Notice of Allowability mailed November 22, 2004, are hereby vacated.

The application is being withdrawn to permit reopening of prosecution. The reasons therefor will be communicated to you by the examiner in the next Office action.

Upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that any previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund, or a credit to a Deposit Account.

Telephone inquires should be directed to Michael G. Lee at (571) 272-2398.

The above-identified application is being forwarded to the examiner for prompt appropriate action.

Janice A. Falcone

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

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DRW Dec-05

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

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DEC 0 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Kobayashi et al.	:	DECISION ON PETITION
Application No. 10/401,613	:	
Filed: 31 March, 2003	:	
Atty Docket No. 235611US0RE	:	

This is a decision on the petition under 37 CFR 1.182, filed on 23 December, 2003, to change the ninth named inventor's name.

The petition is **GRANTED**.

The petition is before the Office of Patent Legal Administration for decision.

REVIEW OF FACTS

1. On 31 March, 2003, the present application was filed as an application for reissue of U.S. Patent No. 6,329,071. The '071 patent listed Hiromi Yamauchi as the fifth-named inventor.

2. On 23 December, 2003, a reissue declaration was filed listing the fifth-named inventor's name as Hiromi Hieno.

3. On 23 December, 2003, petitioner also filed the present petition, requesting that the fifth named inventor's last name be changed from "Yamauchi" to "Hieno". The petition is accompanied by an affidavit, signed by the fifth named inventor with both her previous and current names, stating that the name change occurred as a result of marriage. The petition fee has also been received.

DECISION ON PETITION UNDER 37 CFR § 1.182

Pursuant to MPEP 605.04(c):

> "In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182...The petition must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order."

Petitioner has complied with these requirements, and the petition is accordingly granted. The inventor's name for the application will be corrected in Office records as requested.

CONCLUSION

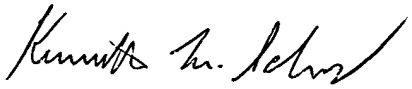
1. The petition is granted.

2. The fifth-named inventor's name for the application will be corrected in Office records, to be Hiromi Hieno.

3. Jurisdiction over the application is being referred to Technology Center Art Unit 1712 for further processing. The spelling of the fifth-named inventor's name should be changed in the Office computer records to be Hiromi Hieno, and a new PALM bib-data sheet should be printed.

4. Telephone inquiries related to this decision only should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

5. Inquiries regarding petition status or general petition information are handled by the Office of Petitions staff at (571) 272-3282.



Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

December 6, 2005
C:\kiva\kenpet6\10401613 change name of inventor.doc

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Lisa K. Jorgenson
SGS-Thomson Microelectronics, Inc.
1310 Electronics Drive
Carrollton TX 75006-5039

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DEC 2 2 2005

OFFICE OF PETITIONS

In re Patent No. 6,900,672
Issue Date: May 31, 2005
Application No. 10/401,623
Filed: March 28, 2003
Attorney Docket No. 99-C-143D1

: 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 30, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 09/540,865, filed March 31, 2000, by way of a certificate of correction filed concurrently herewith.

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)

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 Manual of Patent Examining Procedure, 8th ed., August 2001), Section 201.11, Reference to First Application.

The certificate of correction filed June 30, 2005 fails to state the relationship of Application No. 09/540,865, filed March 31, 2000, to the instant application.

Accordingly, before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) and a certificate of correction stating the relationship of the prior-filed application to the instant application is required.

Although a certificate of correction was issued August 30, 2005, prior to this petition being treated, the certificate of correction was improperly issued for the reasons stated above. Petitioner should note that if a renewed petition is not filed and this matter not adjudicated in petitioner's favor, the USPTO will sua sponte issue a corrective certificate of correction removing the priority claim and no such benefit to the prior filed application will be enjoyed.

Additionally, there is no indication that petitioner herein was ever empowered to handle matters related to this patent. If petitioner desires to receive future correspondence regarding this patent, the appropriate power of attorney documentation must be submitted. If the new power of attorney and/or change of address is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b). A copy of this decision will be mailed to petitioner, however, all future correspondence will be mailed solely to the correspondence 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 fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212

Frances Hicks
Petitions Examiner
Office of Petitions

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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Lisa K. Jorgenson
SGS-Thomson Microelectronics, Inc.
1310 Electronics Drive
Carrollton TX 75006-5039

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MAR 2 0 2006

OFFICE OF PETITIONS

In re Patent No. 6,900,672
Issue Date: May 31, 2005
Application No. 10/401,623
Filed: March 28, 2003
Attorney Docket No. 99-C-143D1

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

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed February 22, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 09/540,865, filed March 31, 2000, by way of a certificate of correction filed concurrently herewith.

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.

Application no. 10/401,623 which was filed after November 29, 2000, matured into Patent No. 6,900,672 on May 31, 2005. The claim for the benefit of priority to a prior-filed nonprovisional application was 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 above-noted, prior-filed nonprovisional

application has been included in a certificate of correction, 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 above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

This application is being forwarded to the Certificates of Corrections branch for an issuance of a certificate of correction noting the priority claim to prior filed application 09/540,865 filed March 31, 2000, which matured into Patent No. 6,586,980 on July 1, 2003.

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. Any questions regarding the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Frances Hicks
Petitions Examiner
Office of Petitions

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THOUSAND OAKS CA 91320-1799

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OFFICE OF PETITIONS

In re Application of :
Thompson et al. :
Application No. 10/401,634 : DECISION ON PETITION
Filed: 27 March, 2003 :
Atty Docket No. S-210J :

This is a decision on the petition filed on 18 May, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 24 December, 2005, for failure to timely respond to the Office communication mailed on 23 November, 2005, which set a one (1) month shortened period for

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

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

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

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

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

reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 31 March, 2006.

Petitioners have filed a reply to the Office communication mailed on 23 November, 2005.

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.

This application is being forwarded to Technology Center Art Unit 1651 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

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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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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 8910
Reston, VA 20195

Mail Date: 04/21/2010

Applicant	: Tomas Yang	: DECISION ON REQUEST FOR
Patent Number	: 7603475	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/401,671	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/31/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **975** 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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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON,DC 0005-1209

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DEC 2 6 2007

OFFICE OF PETITIONS

In re Patent No. 7,091,962 :
Issue Date: August 15, 2006 :
Application No. 10/401,687 : ON PETITION
Filed: March 31, 2003 :
Patentee(s): Akihiro Okano, et. al. :

This is a decision on the petition under 37 CFR 3.81 filed February 1, 2007, which is being treated as a request under 37 CFR 3.81[1], to add the second and the third names of an assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

The Certificates of Correction Branch will be notified of this decision granting the request under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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SHLESINGER, ARKWRIGHT & GARVEY LLP
1420 KING STREET
SUITE 600
ALEXANDRIA VA 22314

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MAY 17 2006

OFFICE OF PETITIONS

In re Application of
Haruo Sawa
Application No. 10/401,700
Filed: March 31, 2003
Attorney Docket Number: 7300

ON PETITION

This is a decision on the petition filed May 9, 2006, under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "..:under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned on October 28, 2005 after the applicant failed to file a timely response to the Restriction Requirement mailed September 26, 2005. Accordingly, a Notice of Abandonment was mailed April 11, 2006.

Petitioner argues that the office action mailed September 26, 2005 was not received and argues that a change of address was filed October 14, 2005 but that the office action was mailed to the attorney's old address.

A review of the file reveals that the non-Final Office Action was mailed to the address of record on September 26, 2005, but was returned by the US Postal Service on October 4, 2005 as undeliverable, and that a proper change of correspondence address was not filed until October 14, 2005.[1]

[1]The address of record at the time the Office Action was mailed on September 26, 2005 was SHLESINGER, ARKWRIGHT & GARVEY LLP, 3000 SOUTH EADS STREET, ARLINGTONT, VA 22202. The change of address filed October 14, 2005 changed the address to SHLESINGER, ARKWRIGHT & GARVEY LLP, 1420 KING STREET, SUITE 600, ALEXANDRIA VA 22314.

As petitioner has not presented any evidence that the address of record had been changed with the USPTO at the time the Office Action was mailed on September 26, 2005, and in the absence of petitioner showing that they acted responsibly with respect to providing the USPTO with up to date addresses, the showing of record is therefore insufficient to warrant withdrawal of the holding of abandonment.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(a)[2] or 37 CFR 1.137(b),[3] 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).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

---

[2]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)).

[3]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)).

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SHLESINGER, ARKWRIGHT & GARVEY LLP
1420 KING STREET
SUITE 600
ALEXANDRIA VA 22314

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JUL 27 2006
OFFICE OF PETITIONS

In re Application of :
Haruo Sawa :
Application No. 10/401,700 : ON PETITION
Filed: March 31, 2003 :
Attorney Docket Number: 7300 :

This is a decision on the petition filed June 5, 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 October 28, 2005 after the applicant failed to file a timely response to the Restriction Requirement mailed September 26, 2005. Accordingly, a Notice of Abandonment was mailed April 11, 2006.

The petition fee in the amount of $750.00 has been applied to the finance records for the instant patent application.

The response to the Restriction Requirement filed June 5, 2006 will be referred to Technology Center 1745 for further processing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

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

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

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

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

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JACK SHORE
MUCH, SHELIST, FREED, DENENBERG,
AMENT &RUBENSTEIN, PC
191 N. WACKER DRIVE
SUITE 1800
CHICAGO IL 60606-1615

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OFFICE OF PETITIONS

In re Application of :
Barnett and Liber : ON PETITION
Application No. 10/401,709 :
Filed: March 28, 2003 :
Attorney Docket No. 4004006.0020 :

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

The petition is **dismissed**.

The record reflects that on March 28, 2003, the filing date 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 required publication at eighteen months after filing."

Petitioner requests under 35 USC § 122(b)(2)(B)(i) that the Request and Certification under 35 USC § 122(b)(2)(B)(i) be rescinded and that the application be revived pursuant to the provisions of 35 USC § 122(b)(2)(B)(iii). Petitioner states that it was erroneously believed that publication was not necessary because the invention disclosed in the present application was already published in a corresponding PCT publication. Petitioner further states that it was discovered that it the present application should be published and that the error arose without any intention to conceal the invention disclosed in the present application.

The instant non-provisional application did not become abandoned as a result of the published international application filed prior to the present. In this regard, 35 USC § 122(b)(2)(B)(iiii) states:

> An applicant who has made a request under clause (i) but who **subsequently files, in a foreign country or under a multilateral international agreement** specified in clause (i), an application directed to the invention disclosed in the application filed in the Patent and Trademark Office, shall notify the director of such filing not later than 45 days **after the date of the filing of such foreign or international application.** A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional [emphasis supplied].

The statute does not provide for the situation where certification under 35 USC § 122(b)(2)(B)(i) was made, despite the fact that an application was previously filed in another country or under the multilateral international agreement. The statute at 35 USC § 122(b)(2)(B)(iii) only provides for revival in a 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) must be dismissed.

As requested, the request and certification under 35 USC § 122(b)(2)(B)(i) has been rescinded. A corrected filing receipt indicating the projected date of publication accompanies this decision.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on the filing of each petition. See 35 USC § 41(c)(7). Accordingly, as authorized, the required petition fee of $750.00 has been charged to Deposit Account 13-4825.

This application is being directed to Technology Center 2800, GAU 2856 for further processing.

Questions regarding this decision may be directed to the undersigned at (571)272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosures:
Corrected Filing Receipt
"Communication Regarding Rescission of Non-publication Request and/or Notice of Foreign Filing"

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SUITE 500
MCLEAN VA 22102-3833

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OFFICE OF PETITIONS

ON PETITION

In re Patent No. 7,002,397 :
Issued: February 21, 2006 :
Application No. 10/401,734 :
Filed: March 31, 2003 :
Attorney Docket No. XA-9521A :

This is a decision on the petition under 37 CFR 1.182, filed October 6, 2006, requesting issuance of a duplicate Letters Patent for the above-identified application.

The petition is **GRANTED**.

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 Krystal Paige at (703) 308-9250.

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

Liana Walsh
Petitions Examiner
Office of Petitions

cc: Krystal Paige, P/OPPD; South Tower 8C41 (FAX 571-270-9937)

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TECHNOLOGY CENTER 3600

Oblon, Spivak, McClelland, Maier
& Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of:
Patrick Comtesse
Application No. 10/401,735
Filed: March 31, 2003
Attorney Docket No. 235949US6

NOTICE OF WITHDRAWAL
FROM ISSUE
UNDER 37 CFR § 1.313

The above-identified application is withdrawn from issue pursuant to 37 CFR § 1.313 due to a patentability issue with published application US20040057787A1. The reasons therefore will be communicated to you by the examiner.

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 Michael J. Carone at (703) 306-4198.

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

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

KANESAKA BERNER &
PARTNERS, LLP
Suite 300
1700 Diagonal Road
Alexandria, VA 22314

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JUN 30 2006

OFFICE OF PETITIONS

In re Application of	:	
Nishikawa et al.	:	DECISION ON
Application No. 10/401,751	:	PETITION
Filed: March 31, 2003	:	
Atty Docket No. D-1440	:	

This is a decision on the "PETITION UNDER 37 CFR 1.181," filed March 21, 2006.

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed May 23, 2005. The Office action set a three-month shortened statutory period for reply, with extensions of time obtainable under §1.136(a). No reply considered received and no extension of time obtained, the application became abandoned effective August 24, 2005. A courtesy Notice of Abandonment was mailed on March 1, 2006.

Applicants filed the instant petition on the basis that the Office action was never received at the correspondence address of record, pursuant to their "seasonably" filed change of correspondence address. In support thereof, applicants submitted a declaration of facts of the Office manager and a postcard receipt acknowledging receipt of a change of address on November 14, 2005.

Petitioner's evidence is consistent with the record, which establishes that a change of address was filed on November 14, 2005. However, this is 9 days short of six months after the mailing of the Office action. Petitioner argues that the Office

manager earlier acted to change the address. However, the petition includes no proof of filing of any paper prior to November 14, 2005, which would be effective to change the correspondence address pursuant to 37 CFR 1.33 and 1.34. See MPEP 402. Nor does the record indicate that any such paper was filed.

Further, the record shows that the Office action was mailed to the correspondence address of record in effect on the day of mailing. As the law firm had moved, on June 10, 2005, the correspondence was returned by the United States Postal Service with a notation on the envelope that the forwarding order had expired. As to returned mailed, MPEP 707.13 provides that:

> Office actions are sometimes returned to the Office because the United States Postal Service has not been able to deliver them. Upon receipt of the returned Office action, the Technology Center (TC) technical support staff will check the application file record to ensure that the Office action was mailed to the correct correspondence address. If the Office action was not mailed to the correct correspondence address, it should be stamped "remailed" with the remailing date and mailed to the correct correspondence address. The period running against the application begins with the date of remailing. If the Office action was mailed to the correct correspondence address and it was addressed to an attorney or agent, a letter may be written to the inventor or assignee informing him or her of the returned action. The period running against the application begins with the date of remailing. Ex parte Gourtoff, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924).

As the Office action was mailed to the correct correspondence address and no change of correspondence address had been filed, the Technology Center technical support staff did not remail the Office action.

The evidence supports a conclusion that the change of correspondence address was belatedly filed. It was filed almost six months after the mailing of the Office action and five months after the Office action was returned by the USPS. In view thereof, abandonment for failure to timely respond to the Office action mailed to the correspondence address of record was proper. Non-receipt of the Office action is properly attributed

to the failure to timely file a change of correspondence address. Under the circumstances, withdrawal of the holding of abandonment is not warranted.

The petition under § 1.181 is **DISMISSED**.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are not permitted. See 1.181(f).

Alternatively, applicant may seek revival under the provisions of 37 CFR 1.137. Such a request should include a cover letter entitled "Petition under 37 C.F.R. §1.137(a)" or "Petition under 37 C.F.R. §1.137(b)," as appropriate.

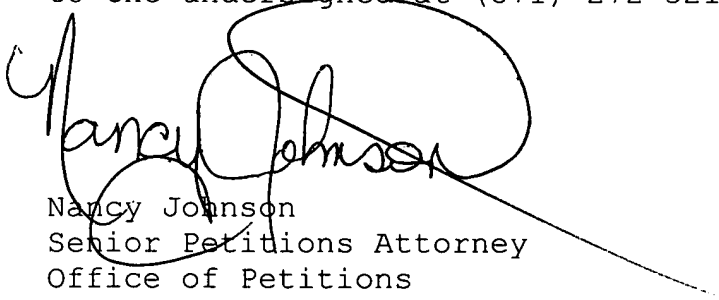
Further correspondence with respect to this decision should be addressed as follows:

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

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

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

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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KANESAKA BERNER &
PARTNERS, LLP
Suite 300
1700 Diagonal Road
Alexandria, VA 22314

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DEC 12 2006

OFFICE OF PETITIONS

In re Application of :
Nishikawa et al. : DECISION ON
Application No. 10/401,751 : PETITION
Filed: March 31, 2003 :
Atty Docket No. D-1440 :

This is in response to the paper styled "REQUEST FOR RECONSIDERATION OF THE DECISION" fled August 22, 2006.

The above-identified application became abandoned effective August 24, 2005 for failure to file a timely and proper reply to the non-final Office action mailed May 23, 2005. A courtesy Notice of Abandonment was mailed on March 1, 2006. By decision mailed June 30, 2006, the PETITION UNDER 37 CFR 1.181 filed March 21, 2006 was dismissed.

It was concluded that withdrawal of the holding of abandonment was not warranted where the Office action was not received because of applicants' failure to timely advise the Office of a change of correspondence address.

On instant request for reconsideration, petitioner argues that the decision failed to consider "the Examiner's Official advice on October 13, 2005 and asking to file a change of address and re-mailing the Action from the PTO on November 14, 2005."

With respect to this argument, petitioner is reminded of 37 CFR 1.2, which states:

> All business with the Patent and Trademark Office should be transacted in writing. … 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.

There is no written record of agreement to vacate the Office action mailed May 23, 2005 and to re-mail an Office action and restart the period for reply. As of November 23, 2005, the last date to take action to avoid abandonment, 9 days after the filing of the change of address, there had been no re-mailing of the Office action and no such agreement to re-mail the Office action and restart the period was of record. Regardless of what the examiner may have or have not said, petitioner should be aware that the examiner has no authority to extend the period for response once the period has expired. The period for taking action expired without filing of a response by applicants or withdrawal of the Office action by the Examiner. For these reasons and for the reasons stated in the dismissal mailed June 30, 2006, withdrawal of the holding of abandonment is not warranted.

The petition under § 1.181 is **DISMISSED**.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are not permitted. See 1.181(f).

Alternatively, applicant may seek revival under the provisions of 37 CFR 1.137. Such a request should include a cover letter entitled "Petition under 37 C.F.R. §1.137(a)" or "Petition under 37 C.F.R. §1.137(b)," as appropriate.

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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PARTNERS, LLP
Suite 300
1700 Diagonal Road
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OFFICE OF PETITIONS

In re Application of	:	
Nishikawa et al.	:	DECISION ON
Application No. 10/401,751	:	PETITION
Filed: March 31, 2003	:	
Atty Docket No. D-1440	:	

This is a decision on the PETITION UNDER 37 C.F.R. 1.137(b) filed December 15, 2006.

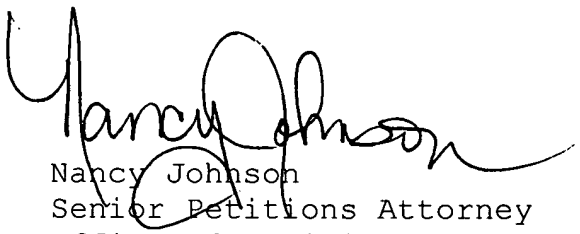
The petition is **GRANTED**.

The above-identified application became abandoned effective August 24, 2005 for failure to file a timely and proper reply to the non-final Office action mailed May 23, 2005. A courtesy Notice of Abandonment was mailed on March 1, 2006. By decision mailed June 30, 2006, the PETITION UNDER 37 CFR 1.181 filed March 21, 2006 was dismissed. By decision mailed December 12, 2006, the "REQUEST FOR RECONSIDERATION OF THE DECISION" filed August 22, 2006 was dismissed.

Petitioner has now filed a request to revive the application based on unintentional delay. The petition includes the required statement of unintentional delay and payment of the petition fee set forth in 37 CFR § 1.17(m). The required reply was previously filed on petition filed October 10, 2006. No terminal disclaimer is required.

Technology Center AU 2836 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed October 10, 2006.

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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HANSEN HUANG TECHNOLOGY LAW GROUP, LLP
1725 EYE STREET, NW
SUITE 300
WASHINGTON DC 20006

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OFFICE OF PETITIONS

In re Application of	:	
David D. Goodman	:	
Application No. 10/401,785	:	DECISION GRANTING PETITION
Filed: March 31, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1001-008	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 29, 2006, 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 5, 2006 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 2614 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Jan. 31, 2006

TO SPE OF : ART UNIT 3683 (*James S. McClellan*)

SUBJECT : Request for Certificate of Correction on Patent No.: 6,877,589

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

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

sp Stacy Powell

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 x120

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

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

Comments:

JAMES MCCLELLAN
SUPERVISORY PATENT EXAMINER

J M McClellan — **SPE**

3683 — **Art Unit**

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AMENT & RUBENSTEIN, PC
191 N. WACKER DRIVE
SUITE 1800
CHICAGO, IL 60606-1615

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FEB 10 2005

OFFICE OF PETITIONS

In re Application of:
Barnett et al.
Application No. 10/401,821
Filed: March 28, 2003
Title of Invention:
ZERO SPEED INDICATING DEVICES AND PROCESSES FOR TESTING SAME

DECISION ON
PETITION UNDER
37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed December 27, 2004, to revive the above-identified application. The petition is being treated under the unintentional provisions of 37 CFR 1.137(f).

This Petition is hereby **granted**.

The above-identified application became abandoned pursuant to 35 USC 122 (b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multinational international agreement, the requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by: (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty[1]; (2) the petition fee as set forth in 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

[1] The filing of a petition under this section will not relieve application of the obligation to reply to any outstanding Office action.

The instant petition has been found in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days as provided by 35 USC 122(b)(2)(B)(iii) 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 Communication Regarding Rescission of Nonpublication Request indicating a projected publication date of May 19, 2005, accompanies the present petition.

This application is being referred to the Publishing Division for publishing of the application in due course.

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

Derek L. Woods
Attorney/Advisor
Office of Petitions

Enclosures: Communication Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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AMENT & RUBENSTEIN, PC
191 N. WACKER DRIVE
SUITE 1800
CHICAGO, IL 60606-1615

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FEB 23 2005

OFFICE OF PETITIONS

In re Application of: :
Barnett et al. : CORRECTED
Application No. 10/401,821 : DECISION ON
Filed: March 28, 2003 : PETITION UNDER
Title of Invention: : 37 CFR 1.137(b)
ZERO SPEED INDICATING DEVICES AND :
PROCESSES FOR TESTING SAME :

This is a decision on the petition under 37 CFR § 1.137(b), filed December 27, 2004, to revive the above-identified application where Applicant failed to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR § 1.137(f).

The petition is **dismissed** as inappropriate for the reasons stated below.

The record discloses that, on March 28, 2003, the date of filing of the instant application, a Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) was filed certifying that "the invention disclosed in the attached **application has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing."

Petitioner now requests under 35 U.S.C. § 122(b)(2)(B)(ii) that the Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i) be rescinded and the application be revived because this application became abandoned for failure to notify the USPTO within 45 days of the filing of a corresponding international or foreign application. In this regard, petitioner states that an international or foreign application corresponding to the instant application was filed on September 29, 1999, which date is prior to the date of filing the instant application.

The instant nonprovisional application did not become abandoned as a result of the filing of a corresponding application filed in another country, or under a multilateral international agreement, **subsequent** to the filing of the present application. In this regard, 35 U.S.C. § 122((b)(2)(B)(iii) states:

> An applicant who has made a request under clause (i) but who **subsequently files, in a foreign country or under a multilateral international agreement** specified in clause (i), an application directed to the invention disclosed in the application filed in the Patent and Trademark Office, shall notify the Director of such filing not later than 45 days **after the date of the filing of such foreign or international application**. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional [emphasis supplied].

The facts of this case are that the subject application was filed on March 28, 2003, and the corresponding foreign application was filed on September 29, 1999. The statute does not provide for the situation where a certification under 35 U.S.C. § 122(b)(2)(B)(i) was made, despite the fact that an application was previously filed in another country or under the multilateral international agreement. The provisions of 35 U.S.C. § 122(b)(2)(B)(iii) only provide for revival in the situation where a certification was made under 35 U.S.C. § 122(b)(2)(B)(i) at the time of filing the application and an application was subsequently filed in a foreign country without notifying the Office within 45 days of the filing thereof.

In view of the above and since this application did not become abandoned pursuant to the provisions of 35 U.S.C. § 122(b)(2)(B)(iii), a petition to revive under the provisions of 37 CFR 1.137(b) is inappropriate and, therefore, must be dismissed.

As requested, the Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request indicating a projected publication date of May 19, 2005 was mailed on February 10, 2005.

The rules and statutory provisions governing the operations of the USPTO require payment of a fee on filing each petition. *See* 35 U.S.C. § 41(c)(7). Accordingly, the petition fee of $750 assessed to petitioner's deposit account on December 27, 2004 will not be refunded.

Telephone inquiries concerning this matter should 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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HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE, 7TH FLOOR
SAN DIEGO CA 92122

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SEP 25 2008

In re Application of :

ZHANG, Jie et al. :
Application No. 10/401, 830 : DECISION ON PETITION
Filed: March 28, 2003 : TO WITHDRAW
Attorney Docket No. **39753-0002** : 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 20, 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. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Leslie B. Overman on behalf of all attorneys of record who are associated with customer No. 25213. 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 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.

There is an outstanding Office action mailed July 31, 2008 that requires a reply from the applicant.

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: **JIE ZHANG**
4930 POPLAR TERRACE
CAMPBELL, CA 95008

cc: **GOODWIN PROCTER LLP**
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025-1105

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& ROONEY PC
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ALEXANDRIA, VA 22313-1404

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MAY 14 2007

OFFICE OF PETITIONS

In re Application of

Wong, et al.

Application No. 10/401,867

Filed: March 31, 2003

Attorney Docket No. 007198-516

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed March 30, 2007.

The petition is **granted**.

This application was held abandoned August 13, 2006, after no reply was received to the Notice of Non-Compliant Amendment mailed July 12, 2006. The notice set forth a period of reply of one month from its mailing date. No response was received within the allowable period and the application became abandoned on August 13, 2006 . A Notice of Abandonment was mailed February 1, 2007. The instant petition was filed on March 30, 2007. Petitioner maintains that the Notice of Non-Compliant Amendment was never received and provides a copy of the relevant docketing calendar as proof of the same.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center 1600, GAU 1656 for further processing including treatment of the amendment filed March 30, 2007, that is responsive to the Notice of Non-Compliant Amendment.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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

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JUN 13 2008

OFFICE OF PETITIONS

In re Application of	:	
Shunpei Yamazaki, et. al.	:	
Application No. 10/401,891	:	DECISION ON PETITION
Filed: March 31, 2003	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 740756-2584	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 24, 2008, 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 concurrently filed 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.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Sean Pryor appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

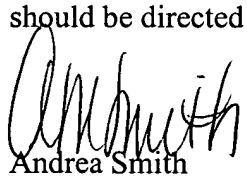
Since all of the above requirements have been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed 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 application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 2812, for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/401,891	03/31/2003	2812	1368	740756-2584	45	5

CONFIRMATION NO. 4578

CORRECTED FILING RECEIPT

22204
NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

Date Mailed: 06/12/2008

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)

Shunpei Yamazaki, Kanagawa-ken, JAPAN;
Hongyong Zhang, Kanagawa-ken, JAPAN;
Takashi Inushima, Kanagawa-ken, JAPAN;
Takeshi Fukada, Kanagawa-ken, JAPAN;

Assignment For Published Patent Application

Semiconductor Energy Laboratory Co., Ltd., Atsugi-shi, JAPAN

Power of Attorney:

Jeffrey Costellia--35483

Domestic Priority data as claimed by applicant

This application is a DIV of 09/877,059 06/11/2001 PAT 6,566,175
which is a DIV of 08/677,331 07/02/1996 PAT 6,261,877
which is a DIV of 08/310,364 09/22/1994 PAT 6,177,302
which is a CON of 07/673,417 03/22/1991 ABN

Foreign Applications

JAPAN 2-305528 11/09/1990
JAPAN 2-305529 11/09/1990

If Required, Foreign Filing License Granted: 06/04/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/401,891**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

METHOD OF MANUFACTURING GATE INSULATED FIELD EFFECT TRANSISTORS

Preliminary Class

438

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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MORRISTOWN, NJ 07962-9806

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In re Application of :
Peter M. Michalakos, et al. :
Application No. 10/401,897 : DECISION ON PETITION
Filed: March 28, 2003 :
Attorney Docket No. H0001380CIP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 30, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 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 an amendment, (2) the petition fee of $1540, 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. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 1754 for appropriate action by the Examiner in the normal course of business on the reply received November 12, 2007.

April M. Wise
Petitions Examiner
Office of Petitions

cc: PETER TRIBULSKI
8911 RESEARCH DRIVE
IRVINE, CA 92618

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IP PROSECUTION DEPARTMENT
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SUITE 1600
IRVINE CA 92614-2558

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APR 27 2006

OFFICE OF PETITIONS

In re Application of :
Isaac Ostrovsky et al. : DECISION DISMISSING
Application No. 10/401,901 : PETITION
Filed: March 28, 2003 :
Attorney Docket No. 701470.4022 :

This is a decision on the "Petition to Add Omitted Drawings", filed March 23, 2006, which is treated under 37 CFR 1.182..

The petition is **DISMISSED** as involving moot issues.

Petitioners argue that Figure 3C as described in the specification had been unintentionally omitted from the drawings as filed.

Although petitioner's file copy doesn't include Figure 3C, a review of the official file record, reveals that Figure 3C was in fact filed with the original application papers filed on March 28, 2003.

The sheet of drawings containing Figure 3C filed with the original application papers has been compared to that of the drawing sheet submitted with the instant petition. Petitioners should review the drawings in PAIR to determine if a correct assessment has been made by this office and that the drawings are identical.

Per a telephone conversation between Attorney Joseph Liu, attorney of record, and the undersigned, in view of the above, the petition need not be given any consideration. If the assessment made by this office is incorrect, petitioner's should resubmit the instant petition as soon as possible.

In view of the above, no petition fees are due and none have been charged.

This matter is being referred to the Publishing Division.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Paper No.

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WESTFIELD NJ 07090

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JUN 23 2010

OFFICE OF PETITIONS

In re Application of :
Gao et al. : DECISION ON APPLICATION
Application No. 10/401,904 : FOR
Filed: March 28, 2003 : PATENT TERM ADJUSTMENT
Docket No. 2060/25 :
Title: LONGEST PREFIX MATCH SEARCH :
TECHNIQUE :

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. 1.705(b)," filed January 29, 2010. Applicants request that the determination of patent term adjustment be increased by at least one hundred and eighty-six (186) days to a minimum of one thousand, three hundred and eighteen (1318) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction partly on the basis that the Office will take in excess of three years to issue this patent. In addition, Applicants contend that the period of adjustment for Office delay pursuant to 37 C.F.R. § 1.703(a)(2) and the period of reduction for Applicant delay pursuant to 37 C.F.R. § 1.704(b) should each be 0 days, and not 26 days and 31 days, respectively.

To the extent that the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 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].

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[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.

To the extent that Applicants otherwise request reconsideration of the patent term adjustment at the time of the mailing of the notice of allowance, the request is **DISMISSED**.

A final rejection was mailed on September 2, 2008. An after-final amendment was received 3 months and 31 days later, on January 2, 2009. This constituted 31 days of Applicant delay, pursuant to 37 C.F.R. § 1.704(b):

> With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

On May 28, 2009 (4 months and 26 days after the filing of the afore-mentioned after-final amendment), the Office mailed a non-final Office action in response to said after-final amendment. This constituted 26 days of Office delay, pursuant to 37 C.F.R. § 1.703(a)(2):

> The period of adjustment under § 1.702(a) is the sum of the following periods:
>
> ...
>
> The number of days, if any, in the period beginning on the day after the date that is four months after the date a reply under § 1.111 was filed and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first

However, Applicants argue that neither of these periods of delay should be included in the patent term adjustment calculation, as each occurred subsequent to the filing of a Request for Continued Examination (RCE) on January 9, 2008, and assert the

"filing of the RCE on 1/9/08 cuts off all further adjustments to patent term after that date."[2]

Applicants state that any patent issuing from the application is not subject to a terminal disclaimer.[3]

Applicants' arguments are not persuasive. Pursuant to 37 C.F.R. § 1.702(b)(1):

> 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:
>
> ...
>
> Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

A delay pursuant to 37 C.F.R. § 1.703(a)(2) or 37 C.F.R. § 1.704(b) is not affected by the filing of an RCE. Rule 1.702(b)(1) indicates that the adjustment for the Office's failure to issue a patent within three years will not include any timeframe which occurred after the filing of an RCE, but there are no corresponding provisions in Rules 1.703 or 1.704. Put another way, the filing of an RCE stops the clock for determination of "B-delay," but it does not have a similar effect on any period of "A-delay."

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 after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the

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[2] "Statement under 37 CFR § 1.705(b)(2), submitted concurrently with this petition, page 6.

[3] Statement submitted concurrently with this petition, page 4.

issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanoski (571) 272-3225.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Paper No.

GRAPHIC PACKAGING INTERNATIONAL, INC.
814 LIVINGSTON COURT
MARIETTA, GA 30067

COPY MAILED

FEB 2 2 2005

OFFICE OF PETITIONS

In re Application of :
Byrd et al. : DECISION ON PETITION
Application No. 10/401,908 :
Filed: March 28, 2003 :
Attorney Docket No. 7175 :

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 1.137(b), filed February 5, 2005.

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 September 9, 2004. No extensions of time are permitted for transmitting issue fees (or publication fees). Accordingly, the above-identified application became abandoned on December 10, 2004. A Notice of Abandonment was mailed on January 31, 2005.

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

[1] There was no distinct and concurrent requirement for new drawings.

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NOV 19 2004

MARSHALL, GERSTEIN & BORUN LLP
6300 SEARS TOWER
233 S. WACKER DRIVE
CHICAGO IL 60606

In re Application of	:	
Ilic et al.	:	
Serial No.: 10/401,912	:	SUSPENSION OF ACTION
Filed: March 28, 2003	:	
Attorney Docket No.: 29155/37083A	:	

This letter is in response to the petition under 37 CFR 1.103(a), received June 16, 2004, seeking suspension of action in this application for a period of six months.

§ 1.103 Suspension of action by the Office.

(a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(h), unless such cause is the fault of the Office.

A review of the file history shows that applicants responded to the last Office action on May 10, 2004, and that the response is a complete response insofar as is possible.

Applicants seek suspension of action because the applicants wish to eliminate the potential for duplicative prosecution in view of the pendency of the parent application (US SN 09/665,036) which presents claims of a scope that may overlap with the scope of the claims presented in this continuation-in-part application. However, this is not good and sufficient cause for suspension.

Applicants' petition is **DENIED**.

Should there be any questions with respect to this decision, please contact Marianne C. Seidel, by mail addressed to: 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.

Bruce Kisliuk
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 07 2006

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-9889

In re Application of	:
Flemming K. Christensen	:
Serial No.: 10/401,957	: PETITION DECISION
Filed: March 31, 2003	:
Attorney Docket No.: 900.42668X00	:

This is in response to the petition under 37 CFR 1.144, filed July 5, 2006, requesting withdrawal of an improper restriction requirement.

BACKGROUND

A review of the file history shows that this application was filed under 35 U.S.C. 111 on March 31, 2003, and contained claims 1-6 In a first Office action, mailed January 7, 2004, the examiner rejected claims 1 and 3-6 under 35 U.S.C. 102(b) as anticipated by Jacobson et al and claims 1-6 under 35 U.S.C. 102(e) as anticipated by Scivoletto et al.

Applicant replied on April 7, 2004, canceling claims 1-6 in favor of claims 7-20 and replied to each rejection of record. The examiner mailed a Final Office action to applicant on July 13, 2005, setting forth a restriction requirement, as follows:

> Group I – Claims 7-13, drawn to a topical composition containing niacin as the active agent; and
> Group II – Claims 14-20, drawn to a method of skin treatment using the topical composition.

The examiner held the claims of Group I constructively elected based on the original claims drawn solely to a topical composition. Claims 7-13 were then rejected under 35 U.S.C. 102(b) as anticipated by Jacobsen et al and under 35 U.S.C. 102(e) as anticipated by Scivoletto et al.

Applicant filed RCE papers on October 13, 2005 accompanied by an amendment canceling claims 1-20 and adding claims 21-41 directed to a method of skin treatment using light and a topical composition.

topical product which has been rejected for the same reasons as in previous Office actions and advises of the potential for rejoinder.

DECISION

The petition is **DENIED.**

Applicant remains under obligation to properly reply to the Final Office action mailed September 12, 2006, within the time period set therein or as extended under 37 CFR 1.136(a).

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Bruce M. Kisliuk.
Director, Technology Center 1600

The examiner mailed an Office action to applicant on December 27, 2005, objecting to the newly added claims as being to an invention not previously examined and required applicant to withdraw such claims. The examiner indicated that all previous claims 7-20 (sic 7-13) were previously rejected and the rejection was maintained. The examiner also rejected new claims 21-41 under 35 U.S.C. 102(b) as anticipated by Jacobson et al and under 35 U.S.C. 102(e) as anticipated by Scivoletto et al for reasons of record.

Applicant replied on March 27, 2006, traversing the objection, but not amending the claims. The examiner mailed a Notice of Non-Compliant Amendment to applicant on June 13, 2006, for the same reasons as set forth in the Office action of December 27, 2005.

Applicant filed this petition to withdraw the restriction requirement on July 5, 2006, accompanied by an amendment adding claim 42 directed to a topical composition.

The examiner mailed a Final Office action to applicant on September 12, 2006, prior to the forwarding of the petition to the deciding official.

DISCUSSION

Applicant's original claims were directed to a topical composition, as follows:

> 1. A topical agent in the form of a topical vasodilator for the application to the skin prior to luminous treatment, wherein said vasodilator in a suitable vehicle consists of the active substance nicotinic acid (niacin) in the range of 0.5-10.0% by weight.

These claims were examined and rejected. Applicant in reply to the first Office action canceled the original composition claims and added new composition claims (7-13) and method of treatment claims (14-20) which the examiner held constructively non-elected. The examiner's action was proper and lacked only an indication that if the constructively elected product claims were determined to be allowable any method of use claims containing all of the limitations of the product claims would be rejoined and examined fully.

In response to the Final Office action applicant canceled all product claims and added a new set of only method of use claims with the filing of the RCE papers. The examiner properly objected to the amendment as non-compliant and required applicant to present claims to the originally examined invention, the topical composition. The examiner should not have set forth a rejection of the added claims and doing so may have misled applicant into thinking that they were being examined. What the examiner intended to do was repeat the rejection of canceled claims 7-13 for applicant's benefit. Thus the formal Notice of Non-Compliance mailed June 13, 2006, was proper and will not be withdrawn.

Further, the restriction requirement between product claims and later added method of use claims is proper when coupled with the potential for rejoinder if product claims are found allowable. The Office action mailed September 12, 2006, which was a Final Office action, reaffirms the restriction requirement between method of use claims 21-41 and newly added claim 42 to the

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/17/06

Paper No.: —

TO SPE OF : ART UNIT 1653

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/401,973 Patent No.: 6,949,508 B1

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

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

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

Virginia Tolbert

Certificates of Correction Branch

703-308-9390 ext. 113

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

_____

_____

_____

_____

SPE — 1657 Art Unit

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/401,974	03/27/2003	Prakash Mallya	AVERP3263USA	9175

7590 09/15/2005

Heidi A. Boehlefeld
Renner, Otto, Boisselle & Sklar, LLP
Nineteenth Floor
1621 Euclid Avenue
Cleveland, OH 44115

EXAMINER	
THOMPSON, TIMOTHY J	

ART UNIT	PAPER NUMBER
2873	

DATE MAILED: 09/15/2005

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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In re application	:	
MAIIYA ET AL.	:	PETITION TO ADD TO
Application No. : 10/401974	:	ORIGINAL NAMED INVENTORS
Filed : March 27, 2003	:	UNDER 37 CFR 1.48(a)
Attorney Docket No.: AVERP3263USA	:	
For: SWITCHABLE ELECTRO-OPTICAL LAMINATES	:	

This is a decision on the petition filed October 28, 2004, to correct inventorship under 37 CFR 1.48(a).

The petition is granted

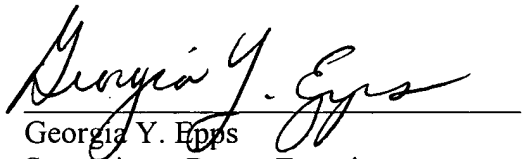
In view of the papers filed October 28, 2004, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding the following previously unnamed two individuals as inventors in this application:

Nagarajan Srivatsan
283 South El Molino Ave., #8
Pasadena, California, 91101

Pradeep Iyer
3111 Cabo Blanco Drive
Hacienda Heights, California 91745

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

Telephone inquiries should be directed to Supervisory Patent Examiner Georgia Y. Epps at (571) 272-2328



Georgia Y. Epps
Supervisory Patent Examiner
Art Unit 2873

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JAN 0 5 2005

Attorney Docket4029

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re:

S. N. 10/401,985 ART UNIT 1772

Inventor: Joseph J. Solon Examiner ALEXANDER S. THOMAS

TITLE: MATS MADE FROM RECLAIMED TIRE CARCASS TREADS

Approved 10/14/05
Jacqueline M. Stone, Director
Technology Center 1700

Via Fax 703-872-9306 Jan. 5, 2005

WITHDRAWAL OF COUNSEL BY MUTUAL CONSENT OF ASSIGNEE

STATUS OF APPLICATION:

Awaiting PTO response to election of species.

The undersigned counsel herewith withdraws and requests that all further correspondence be sent directly to the assignee as follows:

INTERNATIONAL RECYCLING CORP.
107 SOUTH STREET,
AUBURN, NEW YORK 13021,
Attn. Joseph J. Solon, President

Respectfully Submitted,

Laurence R. Brown

LAURENCE R. BROWN, COUNSEL OF RECORD

#2

J1042 U.S. PTO
10/401995
03/27/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE:	Application of	:	Robert Roberts
	Serial No.	:	
	Filing Date	:	
	For	:	MICRO-FIBROUS POLYTETRAFLUORO-ETHYLENE RESIN AND PROCESS FOR MAKING MULTI-DIRECTIONAL PLANAR STRUCTURES
	Atty. Docket No.	:	02-5200

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.10(c)

PETITION GRANTED

1/31/05

Richard Crispino
Special Program Examiner
TC 1700

Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231

Dear Sir:

This is a petition to make special the above identified patent application. The basis for this petition is that the above Applicant is over 65 years of age.

As proof of Applicant's age, a copy of the Applicant's driver's license with a certification that it is a copy of the original is attached.

1731

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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DIW 02-04

ZONG YUEN CAI
1207 HOGAN DR.
SOUTH PLAINFIELD NJ 07080

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FEB 13 2004
OFFICE OF PETITIONS

In re Application of
Zong Yuen Cai
Application No. 10/163,149
Filed: 4 June, 2002
For: METHOD AND APPARATUS FOR PULLING MULTIBARREL PIPETTES

In re Application of
Zong Yuen Cai
Application No. 10/402,008
Filed: 28 March, 2003
For: APPARATUS FOR PULLING MULTIBARREL PIPETTES

DECISION ON PETITION
AND
DECISION MERGING FILES

This is a decision in reference to the papers filed on 28 March, 2003, which have been forwarded to the Office of Petitions for review. The papers are being treated as a petition under 37 CFR 1.181 and 1.182, requesting that the holding of abandonment in Application No. 10/163,149, be withdrawn, and that Application No. 10/402,008 be merged into the file of Application No. 10/163,149.

The petition is **granted**.

A review of the record reveals that Application No. 10/163,149 was filed on 4 June, 2002. On 30 December, 2002, a non-final Office action was issued, setting forth a three (3) month shortened statutory period for reply. On 28 March, 2003, petitioners filed, *inter alia*, an amendment referencing Application No. 10/163,149 and the Office action mailed on 30 December, 2002. That amendment, however, was also accompanied by an oath or declaration in compliance with 37 CFR 1.63, a transmittal letter, a Utility Patent Application Transmittal form, and a Fee Transmittal form referencing Application No. 10/163,149. The Office then assigned Application No. 10/402,008 and a filing date of 28 March, 2003, to the papers filed on that date.

Application No. 10/163,149 was held abandoned on 1 April, 2003, for failure to timely reply to the non-final Office action mailed on 30 December, 2002. A Notice of Abandonment was mailed on 11 July, 2003.

It is clear from a review of the record that applicant intended the papers filed on 28 March, 2003, to be an amendment to the Office action mailed on 30 December, 2002, in Application No. 10/163,149, rather than a new application. Therefore, the papers filed on 28 March, 2003, were assigned Application No. 10/402,008 due to Office error.

Petitioner is advised, in future filings, to avoid confusion, that an application transmittal sheet should only be filed with a new application.

The petition merge the application files is **granted**.

Additionally, as the papers filed on 28 March, 2003, constitute a timely response to the non-final Office action mailed on 30 December, 2002, the holding of abandonment in Application No. 10/163,149 is **withdrawn**. The Notice of Abandonment mailed on 11 July, 2003, is **vacated**.

As this petition was necessitated by Office error, no petition fee is due and none has been charged.

The applications are being returned to the Office of Initial Patent Examination for merging the file of Application No. 10/402,008 into the file of Application No. 10/163,149. Application No. 10/402,008 will no longer be an active application number. All future correspondence concerning this application should be directed to application No. 10/163,149. Thereafter, Application No. 10/163,149 will be forwarded to Technology Center 1700 for further examination.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Jonathan O. Owens
HAVERSTOCK & OWENS LLP
162 North Wolfe Road
Sunnyvale, CA 94086

Mail Date: 04/21/2010

Applicant	: Ted Dunn	: DECISION ON REQUEST FOR
Patent Number	: 7656461	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/402,044	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/27/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **2077** 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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JOSEPH S. HEINO, ESQ.
111 E. KILBOURN AVENUE
SUITE 1400
MILWAUKEE WI 53202

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OFFICE OF PETITIONS

In re Application of :
SATISH PRABHAKARAN :
Application No. 10/402,081 : ON PETITION
Filed: 03/28/2003 :
Attorney Docket No. 129510 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 16, 2007, and resubmitted on April 18, 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 January 10, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Petitioner obtained an extension of time for response within the second month pursuant to the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on June 11, 2006. A Notice of Abandonment was mailed on February 20, 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), the RCE fee and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 2629for 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.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

United States
Patent And
Trademark Office

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

PETITION DECISION

05/24/04

Wayne D. House
W. L. Gore & Associates, Inc.
551 Paper Mill Road
PO Box 9206
Newark, DE 19714-9206

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/402083 received on 04/23/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

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OIW May-05

RICHARD C. CALDERWOOD
2775 NW 126TH AVE
PORTLAND OR 97229-8381

COPY MAILED

MAY 27 2005

OFFICE OF PETITIONS

In re Patent No. 6,807,927	:	
Issued: 26 October, 2004	:	
Application No. 10/402,093	:	ON PETITION
Filed: 28 March, 2003	:	
Atty Docket No. DBH:8382.0001	:	

This is a decision on the petition filed on 18 January, 2005, 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.

It is noted that petitioner submitted $400.00 with the present petition. However, only a processing fee of $130.00 and certificate of correction fee of $100.00 are due. The balance will be credited to counsel's deposit account, No. 03-1550.

The address listed on the petition is different than the correspondence address of record. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence

[1] See Official Gazette of 22 June, 2004.

regarding this application will be mailed solely to the address of record.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Donald B. Haslett
1600 ODS Tower
601 S.W. Second Avenue
Portland OR 97204

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)
6,807,927	2004-10-26	10/402,093	2003-03-28	DBH:8382.0001

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

SMALL ENTITY

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

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

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

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Donald B. Haslett/	Date (YYYY-MM-DD)	2008-12-09
Name	Donald B. Haslett	Registration Number	28855

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. 6807927
Issue Date: October 26,2004
Application No. 10402093
Filed: March 28,2003
Attorney Docket No. MCZ001

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

This is a decision on the electronic petition, filed December 9,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 9,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GODFREY & KAHN S.C.
780 NORTH WATER STREET
MILWAUKEE WI 53202

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NOV 23 2004

OFFICE OF PETITIONS

In re Application of :
Pilling, et al. :
Application No. 10/402,102 : DECISION GRANTING PETITION
Filed: March 28, 2003 : UNDER 37 CFR 1.137(f)
Attorney Docket No. 001432-0158 :
For: ARTICLES FOR THERAPEUTIC PARAFFIN TREATMENT AND METHODS OF USE

This is a decision on the petition, filed September 20, 2004 (certificate of mailing date September 16, 2004), to revive the instant nonprovisional application under the unintentional provisions of 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioners state that the instant nonprovisional application is the subject of an application filed in a foreign country on October 15, 2003. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

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

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of March 3, 2005 accompanies this decision on petition.

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

This application is being forwarded to Technology Center Art Unit 3739 for examination in due course.

E. Shirene Willis
Petitions Attorney
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
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780 NORTH WATER STREET
MILWAUKEE WI 53202

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NOV 23 2004

OFFICE OF PETITIONS

In re Application of :
Pilling, et al. :
Application No. 10/402,102 : DECISION GRANTING PETITION
Filed: March 28, 2003 : UNDER 37 CFR 1.137(f)
Attorney Docket No. 001432-0158 :
For: ARTICLES FOR THERAPEUTIC PARAFFIN TREATMENT AND METHODS OF USE

This is a decision on the petition, filed September 20, 2004 (certificate of mailing date September 16, 2004), to revive the instant nonprovisional application under the unintentional provisions of 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioners state that the instant nonprovisional application is the subject of an application filed in a forcign country on October 15, 2003. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

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

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of March 3, 2005 accompanies this decision on petition.

Petition
Needs 2-3 months to reply

DAC
& IFW

OIPE
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PATENT & TRADEMARK OFFICE

PTO/SB/64a (11-03)
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.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))	Docket Number (Optional) 001432-0158

First named inventor: Melanie Pilling

Application No.: 10/402,102 Art Unit: 3739

Filed: 03/28/2003 Examiner: Roy Dean Gibson

Title: ARTICLES FOR THERAPEUTIC PARAFFIN TREATMENT AND METHODS OF USE

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b)

1. Petition fee

☑ Small entity-fee $ 665 (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. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (*e.g.*, filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is 10/15/2003.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

09/21/2004 WABDELR1 00000040 10402102
01 FC:2453 665.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/402,104	03/27/2003	Adina M. Trufinescu	14917.0463US01	3267

27488 7590 12/26/2007
MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
NGUYEN, THUONG	

ART UNIT	PAPER NUMBER
2155	

MAIL DATE	DELIVERY MODE
12/26/2007	PAPER

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

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

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MAILED

DEC 27 2007

TECHNOLOGY CENTER 2100

Gregory D. Leibold
Merchant & Gould (Microsoft)
P.O. Box 2903
Minneapolis, MN 55402-0903

In re Application of:
Adina M.TRUFINESCU et al
Appl. No.: 10/402,104
Filed: March 27, 2003
For: NOTIFICATIONS FOR SHARED RESOURCES

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 14 November 2007, to expunge information submitted pursuant to MPEP § 724.05.

The petition is **DISMISSED**.

Petitioner requests that the information submitted on 14 November 2007 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

During prosecution on the merits, the examiner will determine whether or not the information submitted on 14 November 2007 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/402,104	03/27/2003	Adina M. Trufinescu	14917.0463US01	3267

27488 7590 04/06/2009
MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
NGUYEN, THUONG	
ART UNIT	PAPER NUMBER
2455	

MAIL DATE	DELIVERY MODE
04/06/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

APR 03 2009

TECHNOLOGY CENTER 2100

In re Application of:
TRUFINESCU, Adina M. et. al.
Application No. **10/402,104**
Filed: March 27, 2003
Docket No. 14917.0463US01
Title: NOTIFICATIONS FOR SHARED RESOURCES

DECISION ON PETITION FOR EXPUNGING INFORMATION UNDER UNDER 37 CFR § 1.59

This is a decision on the renew petition under 37 CFR § 1.59(b), filed on 13 January 2009, to expunge information from the above identified application.

The petition is **GRANTED**.

Petitioner requests that the information listed in Exhibit A, submitted on 14 November 2007, be expunged from the record. Petitioner states that the information contains proprietary material and/or material that is subjected to a protective order which has not been made public. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

The expunged material has been destroyed, the artifact folder closed and therefor the material will not be returned.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.
/bp/

/Kim Huynh/

Kim Huynh, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

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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MOTOROLA, INC.
CORPORATE LAW DEPARTMENT - #56-238
3102 NORTH 56TH STREET
PHOENIX AZ 85018

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JAN 07 2004

OFFICE OF PETITIONS

In re Application of :
Dean et al. :
Application No. 10/402,114 : DECISION GRANTING PETITION
Filed: March 28, 2003 :
Attorney Docket No. CML00504CR :

This is a decision on the petition under 37 CFR 1.53(e), filed June 6, 2003, requesting that the above-identified application be accorded a filing date of March 28, 2003. The present petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience to applicants.

On March 28, 2003, applicants deposited the above-identified application. On May 28, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without drawings and that the filing date would be the date of receipt of the items.

In response, on June 6, 2003, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of 1 sheet of drawings on March 28, 2003. Additionally, applicant submitted a copy of the 1 sheet of drawings, consisting of Figures 1-4. Thereafter, the Office of Initial Patent Examination accorded the above-identified application a filing date of June 6, 2003, the date of receipt of the drawing sheet.

Upon review of the record, the 1 sheet of drawings deposited on March 28, 2003, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on March 28, 2003, included 1 drawing sheet, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including 1 drawing sheet, was complete on filing and will be granted a filing date of March 28, 2003.

Accordingly, the petition is granted.

The "Notice of Incomplete Nonprovisional Application," mailed May 28, 2003, was sent in error and is hereby vacated. Accordingly, no petition fee is necessary and none has been charged.

The Office of Initial Patent Examination is directed to correct the filing date of the above-identified application to March 28, 2003, using Figures 1-4 submitted with the present petition, and to mail a corrected filing receipt reflecting the change. The Office records should indicate that 1 sheet of drawings was submitted on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MOTOROLA, INC.
CORPORATE LAW DEPARTMENT
SUITE R3163 PO BOX 10219
SCOTTSDALE, AZ 85271-0219

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DEC 23 2004

OFFICE OF PETITIONS

In re Application of :
Scott V. Johnson et al. :
Application No. 10/402,119 : ON PETITION
Filed: March 28, 2003 :
Attorney Docket No. CML00647CR :

This is a decision on the petition filed October 18, 2004 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

This application became abandoned August 31, 2004 for failure to timely pay the issue fee on or before August 30, 2004. Accordingly, a Notice of Abandonment was mailed September 30, 2004.

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

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

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

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

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 : 11/05/08

Patent No. : 7305677 B2
Inventor : MARCEY, JOEL I.
Patent Issued : 12/04/07
Docket No. : **42P15476**

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.

Inspection of the file of the application for the patent reveals that in column 8, line 57 is printed in accordance with the record (no fee or authorization to charge fee). **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

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

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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

Lmn

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/06/09

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/402,197 Patent No.: 6,765,731

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

Should the changes Be made?

RoChaun Johnson
Certificates of Correction Branch
703-308-9390 ext. 119

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: _____

/Timothy J. Thompson/
Primary Examiner, Art Unit 2873

/Ricky Mack/
SPE

2873
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

3M Innovative Properties Company
P.O. Box 33427
St. Paul, MN 55133-3427

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MAY 13 2009

OFFICE OF PETITIONS

In re Bruce L. Cannon :
Application No.: 10/402,197 : **DECISION**
Filed: March 28, 2003 : **GRANTING**
Patent No.: 6,765,731 : **PETITION**
Issued: July 20, 2004 :

This is a decision on the August 31, 2004 petition, as supplemented by the April 1, 2005 supplemental petition, requesting issuance of a corrected patent (hereinafter, "the request for corrected patent petitions").

The request for corrected patent petitions are before the Office of Patent Legal Administration (OPLA) for consideration.

The request for corrected patent petitions are **granted**.

The application file is being forwarded to Ms. Mary Diggs, Office of Data Management, for issuance of a corrected patent, including the following: (1) mailing of a corrected copy to the patent owner; and (2) correction to the Full Text for U.S. Patent No. 6,765,731 in the USPTO Patent Full-Text and Image Database maintained by the Office.

The Image for U.S. Patent No. 6,765,731 in the USPTO Patent Full-Text and Image Database maintained by the Office will contain the original, incorrectly printed patent and the corrected patent in the form of a Certificate of Correction.

Any inquiry concerning this decision should be directed to Raul Tamayo, Legal Advisor, at (571) 272-7728.

Robert A. Clarke
Director
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

#3

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

MAILED

DEC 16 2003

Office of the Director
Group 3600

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

In re Application of:
William Stephen Knapp
Serial No. 10/402,218
Filed: March 31, 2003
For: SYSTEM AND METHOD FOR ENHANCING FINANCIAL INSTITUTION REVENUES THROUGH ACCELERATION OF DEBIT PROCESSING

DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S HEALTH)

This is a decision on the petition filed November 25, 2003 under 37 CFR 1.102 (c) to make the above-identified application special under the procedure set forth in MPEP 708.02, Section III: Applicant's Health. There is no fee for this petition.

A grantable petition to make an application special under 37 C.F.R. 1.102(c), MPEP 708.02, Section III requires evidence that the state of health of the applicant is such that he might not be able to assist in the prosecution of the application if it were to run it's normal course.

The petition includes a statement from the applicant's doctor dated November 6, 2003 attesting to the fact that William Knapp might not be able to assist in the prosecution of the application if the state of his health were to run it's normal course.

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.

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

KJD/cps: 12/15/03

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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KOLISCH HARTWELL, P.C.
520 S.W. YAMHILL STREET
SUITE 200
PORTLAND, OR 97204

COPY MAILED

APR 25 2005

OFFICE OF PETITIONS

In re Application of :
John B. Rosen :
Application No. 10/402,221 :
Filed: March 27, 2003 :
For: :
ARTICULABLE PROJECTING PLUG :

DECISION ON PETITION

This is a decision on the Petition to Revive the Application based upon unintentional abandonment, filed October 13, 2004.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (hereinafter "Notice"), mailed July 25, 2003. The Notice required the basic filing fee; oath or declaration; late filing fee oath or declaration surcharge, and additional claims fees. The Notice set a two (2) month period for reply 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 September 26, 2003. A Notice of Abandonment was mailed August 30, 2004.

With the instant petition, Applicant has filed responses to the Notice and completed the requirements of a grantable petition under 37 CFR 1.137(b).

This application is being referred to the Office of Initial Patent Examination for continued processing in due course.

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

Derek L. Woods
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : **JANUARY 24, 2007**

TO SPE OF : ART UNIT **3726**

SUBJECT : Request for Certificate of Correction for Appl. No.: **10402223** Patent No.: **7146694B2**

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

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

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

DO NOT SENT TO ATTORNEY

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

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

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

_____

_____

_____

_____

Mac Jimenez
SPE

TC 3700
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

DAVID NEWMAN CHRTD.
P.O. BOX 956
INDIAN HEAD MD 20640

COPY MAILED

MAY 22 2007

OFFICE OF PETITIONS

In re Application of :
Christian Bielefeldt Hicks, et al. :
Application No. 10/402,237 : DECISION ON PETITION
Filed: March 31, 2003 : TO WITHDRAW
Attorney Docket No. ELYS03US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed January 10, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to David Newman has been revoked by the inventors of the patent application on March 27, 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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: PETER CREATH
ELYSIUM DIGITAL
10 CANAL PARK
FIRST FLOOR
CAMBRIDGE, MA 02141

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/402,237	03/31/2003	Christian Bielefeldt Hicks	ELYS03US

CONFIRMATION NO. 1446

DAVID NEWMAN CHRTD.
P.O. BOX 956
INDIAN HEAD, MD 20640

OC000000023906816

Date Mailed: 05/17/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/27/2007.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY