UNITED STATES PATENT AND TRADEMARK OFFICE

20 DEC 2005

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

George W Johnston
Hoffmann-La Roche Inc
340 Kingsland Street
Nutley, NJ 07110

In re Application of
FRIESS, Thomas et al.
Application No.: 10/476,110
PCT No.: PCT/EP02/04744
Int. Filing Date: 30 April 2002
Priority Date: 03 May 2001
Docket No.: 20897
For: COMBINATION OF A GELATINASE INHIBITOR AND AN ANTI-TUMOR AGENT, AND USES THEREOF

DECISION

ON PETITION UNDER

37 CFR 1.181

This decision is in response to applicants' "Request For Corrected 'Notice of Acceptance,'" filed 26 April 2004.

BACKGROUND

On 30 April 2002, applicant filed international application PCT/EP02/04744, which claimed a priority date of 02 June 2000. A copy of the international application was transmitted to the United States Patent and Trademark Office from the International Bureau (IB) on 14 November 2002. The thirty month time period for entering national phase in the United States expired on 03 November 2003.

On 24 October 2003, applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee and a declaration. The transmittal letter did not request express processing.

On 17 March 2004, the Office mailed Notice of Acceptance (Form PCT/DO/EO/903) indicating that the requirements under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) were satisfied on 24 October 2003 and that all of the 35 U.S.C. 371 requirements were satisfied on 03 November 2003.

On 26 April 2004, applicant filed the instant "Request For Corrected 'Notice of Acceptance,'"

DISCUSSION

Applicant indicates that all of the 35 U.S.C. 371 requirements were submitted on 24 October 2003. In the 24 October 2003 transmittal letter, applicant did not request express processing of the application. Under MPEP 1893.03(b), the date of completion of all 35 U.S.C.

371 requirements is the latest of, among other things, "(E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f)..." As applicant did not request express processing, the date of completion of the 371 requirements was thirty months from the priority date, 03 November 2003, not 24 October 2003.

CONCLUSION

For the reasons listed above, applicant's petition for a corrected Notice of Acceptance 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 1.181."

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.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

20 APR 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

Daniel C. Stelter
Group Intellectual Property Counsel
UNOVA Industrial Automation Systems
2200 Litton Lane
Hebron, Kentucky 41048

In re Application of:	:	
PIERSE, Michael, George	:	DECISION ON PETITION TO
U.S. Application No.: 10/476,114	:	REVIVE ABANDONED
PCT No.: PCT/GB02/00003	:	APPLICATION UNDER 37
International Filing Date: 07 January 2002	:	CFR 1.137(b)
Priority Date: 22 March 2001	:	
Attorney's Docket No.: LAL-C632-US	:	
For: METHOD OF REDUCING DISTORTION IN	:	
GRINDING MACHINES	:	

The petition to revive under 37 CFR 1.137(b) filed 24 October 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).

Applicants have now submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States of America.

It is noted that the 24 October 2003 submission included an executed declaration. Deposit Account No. 50-0760 will be charged the $130 surcharge for filing the declaration later than thirty months after the priority date.

This application is being returned to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 24 October 2003.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

2 8 MAR 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Abelman Frayne & Schwab
150 East 42nd Street
New York NY 10017

In re Application of	:	
AGOSTINELLI	:	DECISION
Application No.: 10/476,139	:	
PCT No.: PCT/IT01/00493	:	
Int. Filing Date: 25 September 2001	:	
Priority Date: 24 April 2001	:	
Attorney's Docket No.: 206,314	:	
For: FEEDING DEVICE WITH SOLAR CELLS,	:	
WORKING WITH ARTIFICIAL LIGHT SOURCES,	:	
FOR ELECTRONIC EQUIPMENTS	:	

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.10(c) TO CORRECT FILING DATE AND DATE-IN DISCREPANCY" filed on 05 October 2006, which has properly been treated as a petition under 37 CFR 1.10(d).

BACKGROUND

On 25 September 2001, applicant filed international application PCT/IT01/00493, which designated the U.S. and claimed a priority date of 24 April 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 31 October 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 October 2003.

On 24 October 2003, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 21 April 2004, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 according the international application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 24 October 2003.

On 17 May 2006, a final Office action was mailed.

On 16 August 2006, the USPTO received an "AMENDMENT UNDER 37 CFR 1.116".

On 06 September 2006, an Advisory Action was mailed addressing the submission received 16 August 2006.

On 19 September 2006, applicant filed a Request for Continued Examination (RCE) and an amendment.

On 05 October 2006, applicant filed the instant "PETITION UNDER 37 CFR 1.10(c) TO CORRECT FILING DATE AND DATE-IN DISCREPANCY", which has properly been treated as a petition under 37 CFR 1.10(d).

DISCUSSION

The petition requests that "the official records of the Patent Office be corrected to indicate that the correct filing date of this application is August 15, 2006." A copy of a Customer Copy of an Express Mail mailing label that corresponds to a submission received by the USPTO on 16 August 2006 is provided as evidence.

The submission received by the Office on 16 August 2006 is not relevant to the filing date or even to the RCE date of the instant application. As set forth above, this submission was simply an amendment after final. It was responded to in the Advisory Action mailed 06 September 2006. Thus, even if the petition under 37 CFR 1.10(d) were granted, the filing date would not change.

The submission having "Express Mail" label number ER059676065US has been stamped with a receipt date of 16 August 2006. (The "Express Mail" label number ER059676065US is shown on the amendment.) The copy of the Customer Copy of the "Express Mail Post Office to Addressee" mailing label accompanying the petition contains the same "Express Mail" label number. The "Date In" is blank. Accordingly, the petition is treated as a petition under 37 CFR 1.10(d).

37 CFR 1.10(d) states:

> (d) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The petition provides a satisfactory showing under 37 CFR 1.10(d)(1) and (2).

As to item (3), applicant has not provided a satisfactory showing. No evidence from the USPS has been provided nor has any evidence that came into being after deposit and within one business day of the deposit of the correspondence with the USPS been provided, as required by 37 CFR 1.10(d)(3).

CONCLUSION

For the reasons set forth above, applicant's petition to change the filing date of the instant application to 15 August 2006 is **DISMISSED** without prejudice.

For the reasons set forth above, applicant's petition under 37 CFR 1.10(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS form the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10(d)." 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: (571) 272-3301
Facsimile: (571) 273-0459

16 APR 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Abelman Frayne & Schwab
150 East 42nd Street
New York NY 10017

In re Application of	:	
AGOSTINELLI	:	DECISION
Application No.: 10/476,139	:	
PCT No.: PCT/IT01/00493	:	
Int. Filing Date: 25 September 2001	:	
Priority Date: 24 April 2001	:	
Attorney's Docket No.: 206,314	:	
For: FEEDING DEVICE WITH SOLAR CELLS,	:	
WORKING WITH ARTIFICIAL LIGHT SOURCES,	:	
FOR ELECTRONIC EQUIPMENTS	:	

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.10(c) TO CORRECT FILING DATE AND DATE-IN DISCREPANCY" filed on 06 April 2007, which has properly been treated as a renewed petition under 37 CFR 1.10(d).

BACKGROUND

On 25 September 2001, applicant filed international application PCT/IT01/00493, which designated the U.S. and claimed a priority date of 24 April 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 31 October 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 October 2003.

On 24 October 2003, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 21 April 2004, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 according the international application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 24 October 2003.

On 17 May 2006, a final Office action was mailed.

On 16 August 2006, the USPTO received an "AMENDMENT UNDER 37 CFR 1.116".

On 06 September 2006, an Advisory Action was mailed addressing the submission received 16 August 2006.

On 19 September 2006, applicant filed a Request for Continued Examination (RCE) and an amendment.

On 05 October 2006, applicant filed a "PETITION UNDER 37 CFR 1.10(c) TO CORRECT FILING DATE AND DATE-IN DISCREPANCY", which was properly treated as a petition under 37 CFR 1.10(d).

On 28 March 2007, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.10(d). The decision also noted that the submission received by the Office on 16 August 2006 is not relevant to the filing date of the instant application.

On 06 April 2007, applicant filed a second "PETITION UNDER 37 CFR 1.10(c) TO CORRECT FILING DATE AND DATE-IN DISCREPANCY", which was accompanied by, *inter alia*, a letter from Philip Grant of the United States Postal Service (USPS). This second petition has properly been treated as a renewed petition under 37 CFR 1.10(d).

DISCUSSION

The submission having "Express Mail" label number ER059676065US has been stamped with a receipt date of 16 August 2006. (The "Express Mail" label number ER059676065US is shown on the amendment.) The copy of the Customer Copy of the "Express Mail Post Office to Addressee" mailing label accompanying the petition contains the same "Express Mail" label number. The "Date In" is blank. Accordingly, the petition is treated as a petition under 37 CFR 1.10(d).

37 CFR 1.10(d) states:

> (d) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The petition provides a satisfactory showing under 37 CFR 1.10(d)(1) and (2).

Item (3) has now been satisfied as well.

CONCLUSION

For the reasons set forth above, applicant's petition to change the filing date of the instant application to 15 August 2006 is **DISMISSED** without prejudice.

For the reasons set forth above, applicant's petition under 37 CFR 1.10(d) is **GRANTED**. The correct receipt date for the submission filed in response to the final Office Action dated May 17, 2006 is August 15, 2006 (rather than August 16, 2006). No further action is necessary.

The application is being forwarded to Art Unit 2836 for continued processing of the application.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

13 APR 2006

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WHITHAM, CURTIS & CHRISTOFFERSON, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON, VA 20190

In re Application of LENHARDT et al	:	
U.S. Application No.: 10/476,158	:	
PCT Application No.: PCT/US02/13081	:	
Int. Filing Date: 26 April 2002	:	DECISION
Priority Date Claimed: 27 April 2001	:	
Attorney Docket No.: 02940189AA	:	
For: HEARING DEVICE IMPROVEMENTS	:	
USING MODULATION TECHNIQUES	:	

This is in response to applicant's "Petition to Withdraw Holding of Abandonment, Request to Correct Attorney of Record and Submission of Declaration and Power of Attorney" filed 20 April 2005, which is being treated under 37 CFR 1.181.

BACKGROUND

On 26 April 2002, applicant filed international application PCT/US02/13081, which claimed priority of an earlier United States application filed 27 April 2001. The thirty-month period for paying the basic national fee in the United States expired on 27 October 2003.

On 27 October 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 11 March 2004, 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 20 April 2005, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the Notification of Missing Requirements was not mailed to the correspondence address listed on the Transmittal Letter (Form PTO-1390) and the unexecuted declaration filed on 11 March 2004.

A review of the application file reveals that although applicant incorrectly listed the customer number on the declaration as "3073", the correspondence address stated on the declaration does not match the correspondence address to which the Notification of Missing Requirements was mailed.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 26 April 2002, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 April 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including correcting the customer number associated with this application to "30743".

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 5

Ajay A. Jagtiani
Jagtiani + Guttag
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, VA 22030

MAILED

MAY 13 2004

Technology Center 2100

In re Application of:
Robert Groat et al.
Application No. 10/476,161
Filed: October 27, 2003
For: SYSTEM FOR IDENTIFYING DATA RELATIONSHIPS

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102 AND M.P.E.P. §708.02(XI)

This is a decision on the petition to make special, filed 27 October 2003, under 37 C.F.R. §102(d) in view of M.P.E.P. §708.02(XI): Inventions For Countering Terrorism.

M.P.E.P. §708.02 (XI), which sets out the prerequisites for a grantable petition for Inventions For Countering Terrorism under 37 C.F.R. §1.102(d), states in relevant part:

> International terrorism as defined in 18 U.S.C. 2331 includes "activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping..." The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.
>
> Applicants who desire that an application relating to inventions for countering terrorism be made special should file a petition with the petition fee under 37 CFR 1.17(h) requesting the Patent and Trademark Office to make the application special. The petition for special status should be accompanied by a statement explaining how the invention contributes to countering terrorism.

Petitioner's submission fails to meet the criteria set out with respect to countering terrorism in M.P.E.P. §708.02(XI). The claimed invention is generally directed to identifying data relationships or alerting a user if a data structure is modified which does not directly relate to countering violent acts or acts dangerous to human life intended to intimidate a population or influence the policy or conduct of a government.

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

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

It is suggested that Applicant review M.P.E.P. §708.02 regarding other grounds available for filing a petition to make special. In particular, note M.P.E.P. §708.02(VIII): Accelerated Examination, which does not place limitations on the subject matter of the application.

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (703) 305-9750.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

MAILED

APR 13 2010

OFFICE OF PETITIONS

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Patent No. 7,593,723	:	DECISION ON REQUEST
Zarom	:	FOR
Issue Date: September 22, 2009	:	RECONSIDERATION OF
Application No. 10/476,177	:	PATENT TERM ADJUSTMENT
Filed: November 5, 2003	:	and
Atty Docket No. 37946-501N01US	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on November 20, 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 five hundred and twenty-two (522) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by five hundred and twenty-two (522) days is **GRANTED**.

The $200.00 fee set forth in 37 CFR 1.18(e) will be charged to Deposit Account No. 50-0311, as authorized. No additional fees are required.

The Office agrees that one hundred and eighteen (118) days of Applicant delay should have been accorded pursuant to 37 C.F.R. § 1.704(c)(7): a response to a non-final Office action was received on June 24, 2008. A notice of non-compliant amendment was mailed on October 8, 2008, and 118 days after the filing of the first response on June 24, 2008, a second response was submitted on October 20, 2008. As such, 118 days of Applicant delay is warranted.

Moreover, it is noted that 40 days of Applicant delay were accorded pursuant to 37 C.F.R. § 1.704(c)(10), due to the August 14, 2009 filing of an amendment after the mailing of a notice of allowance. However, a review of the record shows that the "miscellaneous incoming letter" that was received on this date was merely a transmittal letter that was filed concurrently with the payment of the issue fee, and as such, this 40-day reduction is not warranted.

The Office agrees that the B delay is 259 days. As such, the patent term adjustment is (548 + 259 - 285) 522 days.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **five hundred and twenty-two (522) days.**

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,593,723 B2

DATED : **September 22, 2009** **DRAFT**

INVENTOR(S) : Zarom 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 341 days

Delete the phrase "by 341 days" and insert – by 522 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Bacon & Thomas
4th Floor
625 Slaters Lane
Alexandria VA 22314-1176

MAILED

MAY 11 2010

OFFICE OF PETITIONS

In re Patent No. 7,632,462	:	
Issued: 12/15/2009	:	
Application No. 10/476,185	:	NOTICE
Filed: 04/09/2004	:	
Attorney Docket No. HOLT3003/REF	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 5, 2010.

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 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) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Bacon & Thomas
4th Floor
625 Slaters Lane
Alexandria, VA 22314-1176

Mail Date: 06/21/2010

Applicant	: Jostein Holtlund	: DECISION ON REQUEST FOR
Patent Number	: 7632462	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/476,185	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/09/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1547** 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.

07 APR 2004

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HELLER EHRMAN WHITE & MCAULIFFE
1666 K Street, N.W., Suite 300
Washington, DC 20006

In re Application of :
EPSTEIN, Stephen E. *et al* :
U.S. Application No.: 10/476,215 :
PCT No.: PCT/US02/12120 :
Int. Filing Date: 18 April 2002 :
Priority Date: 27 April 2001 :
Attorney Docket No.: 38506-0020 :
For: STENT-BASED DELIVERY OF :
STATINS TO PREVENT RESTENOSIS :

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

Applicants' "Petition to Revive U.S. National Stage Application Under 37 CFR 1.137(b) and MPEP § 1893.02" filed with the national stage papers on 28 October 2003 in the above-captioned application is hereby **GRANTED** as follows:

The appropriate basic national fee and petition fee for a small entity have been paid. Applicants state that "[t]he failure to enter the national stage by October 27, 2003 was unintentional" has been interpreted 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" as required by 37 CFR 1.137(b)(3). If this is an incorrect interpretation, applicants are requested to notify this office. A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration in compliance with 37 CFR 1.497(a) and (b) and PCT Rule 4.17(iv) has been provided. The surcharge fee of $65.00 pursuant to 37 CFR 1.492(e) has been charged to Deposit Account No. 08-1641 as authorized.

The application has an international filing date of 18 April 2002, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (c)(2) and (c4) date of 28 October 2003.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED FROM
DIRECTORS OFFICE
FEB 12 2008
TECHNOLOGY CENTER 2800

In re Patent No. HAMRELIUS ET AL.
Issue Date: 25 April 2006
Appl No.: 10/476,217
Filed: October 28, 2003
For: INFRARED CAMERA SENSITIVE FOR INFRARED RADIATION

DECISION GRANTING PETITION
37 CFR 1.324

This is a decision on the petition filed 04 April 2007 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

David P. Porta
Supervisory Patent Examiner
Art Unit 2884
Technology Center 2800

YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

UNITED STATES 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: February 11, 2008
TO: Certificates of Correction Branch
FROM: David P. Porta
SPE, Art Unit 2884
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 7034300 as specified on the attached Certificate.

David P. Porta, SPE
Art Unit 2884

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 7034300
Patented: 25 April 2006

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

Hamrelius, U. Torbjorn

David P. Porta
Supervisory Patent Examiner
Art Unit 2884

01 NOV 2004

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
PENG et al.	:	
Application No.: 10/476,219	:	DECISION
PCT No.: PCT/CA02/00637	:	
Int. Filing Date: 30 April 2002	:	
Priority Date: 30 April 2001	:	
Attorney's Docket No.: Q-78218	:	
For: CONTROL OF WEED WITH A FUNGAL	:	
PROTEIN	:	

This decision is in response to applicants' "REQUEST FOR REFUND" filed in the United States Patent and Trademark Office (USPTO) on 27 August 2004.

BACKGROUND

On 30 April 2002, applicant filed international application PCT/CA02/00637, which designated the United States and claimed a priority date of 30 April 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 November 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 October 2003.

On 28 October 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 27 February 2004, 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 inventors in compliance with 37 CFR 1.497(a)-(b), the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date, an initial or substitute computer readable form (CRF) of the sequence listing, and a statement that the contents of the paper or compact disc and the computer readable form are the same, and were applicable, include no new matter, as required by 37 CFR 1.821(e)-(g), 1.825(b) or 1.825(d), were required.

On 27 August 2004, applicants submitted a "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" which was accompanied by, *inter alia*, a declaration of inventors, the surcharge under 37 CFR 1.492(e), and a petition/fee for a four

month extension of time. (Neither a CRF of the sequence listing nor a statement regarding the contents of the CRF were provided.)

On 27 August 2004, applicants also filed the instant "REQUEST FOR REFUND".

DISCUSSION

The request for refund effectively requests that the fee for the four months extension of time ($1,480) be refunded because applicants did not receive the NOTIFICATION OF MISSING REQUIREMENTS mailed 27 February 2004.

The application number, the first named applicant, the attorney docket number, and the mailing address on the NOTIFICATION OF MISSING REQUIREMENTS were incorrect. Because the NOTIFICATION OF MISSING REQUIREMENTS mailed 27 February 2004 included, *inter alia*, an incorrect address, it is hereby **VACATED**. Accordingly, deposit account 19-4880 will be credited $1,480.

CONCLUSION

For the reasons set forth above, applicants request for refund is **GRANTED**.

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 Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for (1) correction of the bibliographic data in PALM, including the application number, the first named applicant, the attorney docket number, and the mailing address and preparation, and (2) mailing of a new NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905).

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

28 JUL 2004

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Michael I. Stewart
Sim & McBurney
6th Floor, 330 University Avenue
Toronto, Ontario
Canada, M5G 1R7

In re Application of	:	
BARKER, Larry D. et al.	:	
Application No.: 10/476,230	:	DECISION ON
PCT No.: PCT/CA02/00650	:	
Int. Filing Date: 03 May 2002	:	REQUEST
Priority Date: 04 June 2001	:	
Attorney's Docket No.: 7865-84 MIS:jb	:	UNDER 37 CFR 1.42
For: PRODUCTION OF OIL SEED	:	
PROTEIN ISOLATE	:	

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 09 June 2004. The declaration includes an indication that joint inventor Larry D. Barker is deceased. It has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 03 May 2002, applicant filed international application PCT/CA02/00650, claiming a priority date of 04 May 2001. A demand for international preliminary examination was filed on 03 December 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 14 November 2002. The deadline for entry into the national stage in the United States was 04 November 2003.

On 29 October 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 09 April 2004, 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) and the surcharge for late filing of the oath or declaration were required.

On 09 June 2004, applicant submitted an executed declaration and the fee for late filing of the oath or declaration.

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 the remaining inventor/applicants. It provides the necessary information for the deceased inventor, the legal representative and the applicant/inventors. 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 03 May 2002 under 35 U.S.C. §363 and a date of 09 June 2004 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.

Richard Cole
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARK B WILSON
FULBRIGHT & JAWORSKI
SUITE 2400
600 CONGRESS AVENUE
AUSTIN, TX 78701

COPY MAILED

JUN 2 5 2008

OFFICE OF PETITIONS

In re Patent No. 7,365,049	:	
Application No. 10/476,236	:	
Filed: June 21, 2004	:	ON PETITION
Issued: April 29, 2008	:	
Attorney Docket No. SONN-040US	:	

This is a decision on the petition filed May 28, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred 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.

08 JUN 2004

#7

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Philip S. Johnson
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7033

In re Application of LI et al	:	
U.S. Application No.: 10/476,238	:	
PCT Application No.: PCT/US02/31062	:	DECISION
Int. Filing Date: 28 September 2002	:	
Priority Date Claimed: 28 September 2001	:	
Attorney Docket No.: MCP0320	:	
For: MODIFIED RELEASE DOSAGE FORMS	:	

This is in response to applicant's "Petition Under Rule 1.182" filed 28 May 2004.

BACKGROUND

On 28 September 2002, applicant filed international application PCT/US02/31062, which claimed priority of an earlier United States application filed 28 September 2001. The thirty-month period for paying the basic national fee in the United States expired on 28 March 2004.

On 29 October 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 13 April 2004, 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 28 May 2004, applicant filed the present petition under 37 CFR 1.182 along with executed declarations.

DISCUSSION

The present petition under 37 CFR 1.182 includes the appropriate fee and a proper response to the Notification of Missing Requirements.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 28 September 2002, and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 28 May 2004.

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

Bryan Tung
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: 703-308-6614
Facsimile: 703-308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

COPY MAILED

NOV 03 2008

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Marban et al.	:	UNDER 37 CFR 1.78(a)(3)
Application No. 10/476,259	:	and
Filed: August 10, 2004	:	DECISION ON PETITION
Atty Docket No. 001107.00454	:	UNDER 37 CFR 1.78(a)(6)

This is a decision on the PETITION UNDER 37 CFR §1.78, filed March 18, 2008, to accept an unintentionally delayed claim to three prior-filed applications 09/947,953, 60/230,311, and 60/295,889. This petition was recently forwarded to the undersigned for consideration.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 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)(2)(ii) and 37 CFR 1.78(a)(5)(ii), respectively, and must be filed during the pendency of the nonprovisional application. In addition, the petition under 37 CFR § 1.78(a)(3) and 37 CFR § 1.78(a)(6), respectively, must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR § 1.78(a)(2)(i) 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i), respectively, 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 37 CFR

1.78(a)(5)(ii), respectively, and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The instant application was filed after November 29, 2000, A review of the application as filed reveals that the claims for priority set forth on petition were not submitted on filing in the first sentence of the specification or in an application data sheet. The four and sixteen-month periods specified in 37 CFR §§ 1.78(a)(2)(ii) and 37 CFR 1.78(a)(5)(ii) have expired. Thus, the instant petition is appropriate. In addition, the petition includes payment of the surcharge.

On petition, a reference to the prior-filed nonprovisional and provisional applications has been included in an executed supplemental Application Data Sheet, as required by 37 CFR 1.78(a)(2)(iii) and (a)(5)(iii). Applicants are reminded that any ADS filed after the application filing date must be executed and must be entitled supplemental ADS. Thus, this ADS should also be entitled "supplemental." Nonetheless, as it is executed and it includes the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i), and 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i), respectively, of the prior-filed applications, the ADS is being accepted for purposes of satisfying the requirements of 37 CFR 1.78(a)(3) and (a)(6).

With respect to 35 U.S.C. 120 and 37 CFR 1.78(a)(3), the ADS includes a reference to prior-filed application No. 09/947,953, with the appropriate relationship stated as continuation-in-part.

With respect to 35 U.S.C. 119(e) and 37 CFR 1.78(a)(6), this pending nonprovisional application was filed on October 27, 2003. The filing date of provisional application No. 60/230,311, for which priority is claimed is September 6, 2000, and thus, was filed within twelve months of intermediate application No. 09/947,953, filed September 6, 2001. The filing date of provisional application No. 60/295,889, for which priority is claimed is June 5, 2001, and thus, was filed within twelve months of intermediate application No. 09/947,953, filed September 6, 2001. As discussed above, the instant petition includes an unintentionally delayed claim for the benefit of priority of application No. 09/947,953 as a continuation-

in-part application of this application. Further, the claim for benefit of priority under 35 U.S.C. § 119(e) of both prior-filed provisional applications was properly made in 09/947,953 during the pendency of the application (before the application issued as a patent).

Applicant has properly claimed the benefit of the provisional applications by claiming the benefit of an intermediate copending nonprovisional application. In other words, this application has properly claimed the benefit of the intermediate nonprovisional application under 35 U.S.C. 120; and the intermediate application was filed not later than 12 months after the filing date of the provisional application; and both this later-filed application and the intermediate application have claimed the benefit of the provisional application under 35 U.S.C. 119(e).

A review of the application history reveals that the provisional application filing fee was paid in both prior-filed provisional applications.

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed applications under 35 U.S.C. § 120 and 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and (a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and §§119(e) and 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3219. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 1633 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) of the prior-filed applications as set forth in the executed supplemental ADS filed March 18, 2008.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/476,259	08/10/2004	1633	1330	001107.00454	33	7

CONFIRMATION NO. 9586

CORRECTED FILING RECEIPT

22907
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

OC000000032909556

Date Mailed: 11/03/2008

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)

Eduardo Marban, Lutherville, MD;
Ronald Li, Baltimore, MD;

Power of Attorney:
Peter Corless--33860

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US02/13671 04/29/2002
which claims benefit of 60/287,088 04/27/2001
This application 10/476,259
is a CIP of 09/947,953 09/06/2001 PAT 7,034,008
which claims benefit of 60/230,311 09/06/2000 *
and claims benefit of 60/295,889 06/05/2001
(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 10/31/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/476,259**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Biological pacemaker

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CNH AMERICA
INTELLECTUAL PROPERTY LAW DEPARTMENT
700 STATE STREET
RACINE, WI 53404

COPY MAILED

FEB 1 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Jose G.T. Gryspeerdt	:	
Application No. 10/476,273	:	ON PETITION
Filed: October 27, 2003	:	
Attorney Docket No. 17488	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 24, 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 June 23, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 24, 2004.

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.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d

1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1,020 extension of time submitted with the petition on January 24, 2005 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

This matter is being referred to Technology Center AU 3671.

Wan Laymon

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

cc: BOYLE FREDRICKSON NEWHOLM
STEIN & GRATZ, S.C.
250 EAST WISCONSIN AVENUE
SUITE 1030
MILWAUKEE, WI 53202

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Dec-05

DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK NY 10150-5257

COPY MAILED

DEC 0 9 2005

OFFICE OF PETITIONS

In re Patent No. 6,884,044 :
Issued: 26 April, 2005 :
Application No. 10/476,276 :
Filed: 22 October, 2003 :
Atty Dckt No. 04306/0200084-USO :

ON PETITION

This is a decision on the petition filed on 12 May, 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. 04-0100.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] See Official Gazette of 22 June, 2004.

10 JUN 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

Brian J. Hubbard
Woodcock Washburn, LLP
One Liberty Place
46th Floor
Philadelphia, PA 19103

In re Application of	:	
HOLTHAUS et al.	:	
U.S. Application No.: 10/476,292	:	
PCT No.: PCT/EP02/04450	:	
Int. Filing Date: 23 April 2002	:	DECISION ON PETITION
Priority Date: 02 May 2001	:	
Attorney Docket No.: HENK-0035	:	
For: DISPENSER FOR A CREAM-TYPE MATERIAL OR MATERIAL WHICH CAN BE DEPOSITED BY APPLYING IT TO A SURFACE	:	

This decision is in response to applicants' "Petition for Change in Name of Inventor under 37 CFR 1.182" filed 25 May 2004. Applicants are requesting to change the name of the first inventor from Ulrike Holthaus to Ulrike Danne due to marriage. The petition was accompanied by an affidavit signed by Ulrike Danne using both her former name and present name. The petition fee under 37 CFR 1.17 has been submitted.

DISCUSSION

The Manual of Patent of Examining Procedure at §605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include the appropriate petition fee and affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

The petition has been reviewed and is approved. The declaration submitted on 25 May 2004 is accepted.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Ulrike Holthaus to Ulrike Danne is **GRANTED**.

This application will be given an international filing date of 23 April 2002 and a date of **25 May 2004** 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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 703-308-6314
Facsimile: 703-308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAR 11 2005

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA PA 19103

In re Application of	:
Benjamin J. Doranz	:
Serial No.: 10/476,297	: STATUS LETTER
Filed: January 27, 2004	:
Attorney Docket No.: PROC-0026	:

This is in response to the request, filed February 14, 2005, to withdraw from representation in the above identified application.

The request is incomplete as it gives no reason for withdrawal and fails to provide a new correspondence address, only a name, see 37 CFR 10.40. Therefor no withdrawal can be effected.

The request to withdraw is **DISMISSED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office facsimile number.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

SIZ

OIPE JC103
FEB 1 4 2005
PATENT & TRADEMARK OFFICE

DOCKET NO.: PROC-0026 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Benjamin J. Doranz

Confirmation No.: 9226

Application No.: 10/476,297

Group Art Unit: Not Yet Assigned

Filed: January 27, 2004

Examiner: Not Yet Assigned

For: ELUCIDATION OF GENE FUNCTION

DATE OF DEPOSIT:

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED NAME: John W. Caldwell
REGISTRATION NO.: 28,937

NOT APPROVED
Withdrawn

Mail Stop Post Issue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

WITHDRAWAL AS ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

The attorneys associated with the customer number listed below apply to withdraw in the above identified application.

☐ The correspondence address is NOT affected by this withdrawal.

X Change the correspondence address and direct all future correspondence to Doreen Y. Trujillo — no address given

no reason given

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).

X the attorneys/agents associated with the following Customer Number:

23377

This request is enclosed in triplicate (including any attachments).

DOCKET NO.: PROC-0026 **PATENT**

Date: February 10 2005

John W. Caldwell
Registration No. 28,937

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

© 2005 WW

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

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Mail Date: 04/21/2010

Applicant	: Victor Klimyuk	: DECISION ON REQUEST FOR
Patent Number	: 7667092	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/476,299	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/24/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1224** 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

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Mail Date: 05/18/2010

Applicant : Victor Klimyuk
Patent Number : 7667092
Issue Date : 02/23/2010
Application No: 10/476,299
Filed : 06/24/2004

: 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 **1287** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED
SEP 19 2007
OFFICE OF PETITIONS

COPY MAILED
SEP 19 2007
OFFICE OF PETITIONS

Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
Mclean, VA 22102

In re Application of
Daniel-Rui Felicio et al.
Application No. 10/476,302
Filed: October 29, 2003
Attorney Docket No. 449122066300

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 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 September 11, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Con

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.
10/476,309	10/29/2003	Derek D Hass	3053.137.US	9269

34444 7590 02/29/2008
UNIVERSITY OF VIRGINIA PATENT FOUNDATION
250 WEST MAIN STREET, SUITE 300
CHARLOTTESVILLE, VA 22902

EXAMINER
BURKHART, ELIZABETH A

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
02/29/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

tm

Mailed: 2-29-08

In re application of	:	
Hass et al.	:	DECISION ON
Serial No. 10/476,309	:	PETITION
Filed: October 29, 2003	:	

For: METHOD AND APPARATUS FOR EFFICIENT APPLICATION OF SUBSTRATE COATING

This is a decision on the PETITION UNDER 37 CFR 1.499 and 1.144 REQUESTING WITHDRAWAL OF THE RESTRICTION REQUIREMENT made final in the office action mailed October 29, 2007.

On November 24, 2006 the examiner made a restriction requirement under 35 USC 121 and 372 based upon a finding that the claims lack unity of invention as defined in PCT Rules 13.1 and 13.2. In responses to the requirement filed on December 21, 2006, May 17, 2007, and August 30, 2007 applicants traversed the requirement. The examiner maintained the restriction requirement in office actions mailed on January 17, 2007 and May 30, 2007 and made the requirement final in an office action mailed October 29, 2007.

The instant petition was filed on January 29, 2008 requesting that the requirement for restriction be withdrawn. Petitioner argues that 37 CFR 1.475(b) provides that "a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:.....(4) A process and an apparatus or means specifically designed for carrying out the said process." and the claims are related as a process and apparatus for carrying out the process, hence under 37 CFR 1.475(b)(4), the present application must be considered to have unity of invention. As such, the position taken by the examiner that unity of invention between different categories of claims does not exist where prior art shows the "special technical feature" set forth in the claims is not germane to the issue of unity of invention. Petitioner additionally argues that patentable distinctiveness between the groups of claims has not been shown.

DECISION

The instant application has been filed under 35 USC. 371 as a national phase application of PCT/US02/13639 and as such is subject to the unity requirements set out in PCT Rules 13.1 – 13.4 and 37 CFR 1.475, as well as the PCT Administrative Instructions, Annex B. MPEP 1893.03(d) permits groupings of claims which are linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding technical feature.

The PCT Administrative Instructions, Annex B, Part 1 at (b) state that "the special technical features" common to all groupings of inventions shall be defined, as in PCT Rule 13.2, to mean,

"those technical features which each of the claimed inventions, **considered as a whole, makes over the prior art.**" (Emphasis added)

MPEP 1850 (Rev. 6, Sept. 2007, page 1800-98) further specifies that "PCT Rule 13.2, as it was modified effective July 1, 1992, no longer specifies the combinations of categories of invention which are considered to have unity of invention..... The categories of invention in former PCT Rule 13.2 have been replaced with a statement describing the method for determining whether the requirement of unity of invention is satisfied. Unity of invention exists **only** when there is a technical relationship among the claimed inventions involving one or more special technical features. (Emphasis added)

In the office action mailed February 25, 2005, the examiner took the position that the common technical feature did not make a contribution over the prior art as it lacks novelty in view of the references to Feurstein and Bauer. Petitioner has not refuted this position. As such, the groupings of claims are not linked by technical features which, considered as a whole, makes over the prior art. Therefore, the examiner has met the requirements for establishing a lack of unity of invention as defined in PCT Rule 13.2 and Annex B, Part 1 at (b) of the PCT Administrative Instructions. Petitioner's argument with respect to patentable distinctness is not germane to a holding of lack of unity.

Accordingly, the holding of lack of unity is deemed to be proper and the petition to withdraw the restriction requirement is **DENIED.** Applicants have filed a notice of appeal in the instant application. No further action is required by the examiner at this time.

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

UNIVERSITY OF VIRGINIA PATENT FOUNDATION
250 WEST MAIN STREET, SUITE 300
CHARLOTTESVILLE, VA 22902

24 JUN 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

John D. Franzini
Quarles & Brady, LLP
411 E. Wisconsin Avenue
Milwaukee, WI 53202

In re Application of
CADLE, et al.
Application No.: 10/476,317
PCT No.: PCT/US02/13487
Int. Filing Date: 01 May 2002
Priority Date: 01 May 2001
Attorney Docket No.: 990029.90183
For: SURFACE DENSIFICATION OF POWDER METAL BEARING CAPS

DECISION ON PETITION

UNDER 37 CFR 1.42

This decision is in response to applicant's declarations filed 01 June 2004. The response is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 01 May 2002, applicants filed the international application, which claimed a priority date of 01 May 2001. 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, 01 November 2003.

On 29 October 2003, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee and an Information Disclosure Statement.

On 10 March 2004, 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 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 informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 01 June 2004, applicant filed the present declarations accompanied by a petition for a one-month extension of time and payment of the appropriate one-month extension fee. With the filing of the extension of time petition and payment of the extension fee, applicant's response is considered timely filed.

Quarles & Brady LLP
Intellectual Property Dept.
RECEIVED: 6-28-04

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 declaration filed 01 June 2004 is executed by Susan M. Cadle as legal representative of the deceased inventor, Terry M. Cadle. However, the declaration is not in compliance with 37 CFR 1.497 (a)-(b) in that the declaration does not set forth the residence, post office address and country of citizenship of the legal representative. Under 37 CFR 1.497(b) the information must be provided for both the deceased inventor and his legal representative. In addition, the filed declarations fail to conform to the Manual of Patent Examining Procedure (MPEP). Section 201.03 explains:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

The declaration executed by inventor Phillips did not contain a page 2. As such, it appears that the inventors were not provided with complete declarations for signature or only returned t he signature pages. Either scenario renders the documents non-compliant. Lastly, applicant has not provided a declaration executed by inventor Mandel. For the reasons stated above, it is not possible to accept the filed declarations and grant applicant's request for status under 37 CFR 1.42.

CONCLUSION

Applicants' petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicants are hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b) as detailed above. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 703-305-0130
Fax: 703-308-6459

24 JUN 2004

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

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

John D. Franzini
Quarles & Brady, LLP
411 E. Wisconsin Avenue
Milwaukee, WI 53202

In re Application of	:	
CADLE, et al.	:	
Application No.: 10/476,317	:	
PCT No.: PCT/US02/13487	:	DECISION ON PETITION
Int. Filing Date: 01 May 2002	:	
Priority Date: 01 May 2001	:	UNDER 37 CFR 1.42
Attorney Docket No.: 990029.90183	:	
For: SURFACE DENSIFICATION OF	:	
POWDER METAL BEARING CAPS	:	

This decision is in response to applicant's declarations filed 01 June 2004. The response is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 01 May 2002, applicants filed the international application, which claimed a priority date of 01 May 2001. 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, 01 November 2003.

On 29 October 2003, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee and an Information Disclosure Statement.

On 10 March 2004, 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 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 informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 01 June 2004, applicant filed the present declarations accompanied by a petition for a one-month extension of time and payment of the appropriate one-month extension fee. With the filing of the extension of time petition and payment of the extension fee, applicant's response is considered timely filed.

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 declaration filed 01 June 2004 is executed by Susan M. Cadle as legal representative of the deceased inventor, Terry M. Cadle. However, the declaration is not in compliance with 37 CFR 1.497 (a)-(b) in that the declaration does not set forth the residence, post office address and country of citizenship of the legal representative. Under 37 CFR 1.497(b) the information must be provided for both the deceased inventor and his legal representative. In addition, the filed declarations fail to conform to the Manual of Patent Examining Procedure (MPEP). Section 201.03 explains:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

The declaration executed by inventor Phillips did not contain a page 2. As such, it appears that the inventors were not provided with complete declarations for signature or only returned t he signature pages. Either scenario renders the documents non-compliant. Lastly, applicant has not provided a declaration executed by inventor Mandel. For the reasons stated above, it is not possible to accept the filed declarations and grant applicant's request for status under 37 CFR 1.42.

CONCLUSION

Applicants' petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicants are hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b) as detailed above. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 703-305-0130
Fax: 703-308-6459

23 JUL 2004

#8

UNITED STATES PATENT AND TRADEMARK OFFICE

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

John D. Franzini
Quarles & Brady, LLP
411 E. Wisconsin Avenue
Milwaukee, WI 53202

In re Application of CADLE, et al. Application No.: 10/476,317 PUT No.: PCT/US02/13487 Int. Filing Date: 01 May 2002 Priority Date: 01 May 2001 Attorney Docket No.: 990029.90183 For: SURFACE DENSIFICATION OF POWDER METAL BEARING CAPS	DECISION ON RENEWED PETITION UNDER 37 CFR 1.42

This decision is in response to the applicant's "Renewed Petition Under 37 C.F.R. 1.42 filed 20 July 2004 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

BACKGROUND

On 24 June 2004, applicant was mailed a decision dismissing applicant's request for status pursuant to 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration.

On 20 July 2004, applicant filed the response considered herein.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 01 June 2004 was executed by Susan M. Cadle as legal representative to the estate of the deceased joint inventor, Terry M. Cadle. However, the declaration provided the residence, mailing address and citizenship for one person. Applicant has presently filed an executed declaration signed by Mrs. Cadle which provides the above information for both the deceased joint inventor and his legal representative. In addition, this complete declaration has been executed by the two other inventors: Joel H. Mandel and Donald J.

Phillips. Thus, it is appropriate to grant applicant's renewed petition at this time.

CONCLUSION

Applicant's renewed request for status under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 01 May 2002 and a date of **20 July 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.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 703-305-0130
Fax: 703-308-6459

27 DEC 2004

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of DAIR et al. Application No.: 10/476,323 PCT No.: PCT/AU02/00522 Int. Filing Date: 29 April 2002 Priority Date: 27 April 2001 Attorney's Docket No.: 13353.19USWO For: OPTICAL BEAM DELIVERY CONFIGURATION	DECISION ON PETITION UNDER 37 CFR 1.47(b)

This is a decision on applicant's petition under 37 CFR 1.47(b) to permit petitioner (applicant) to file the above-captioned application on behalf of the non-signing inventors, Geoffrey T. Dair and Fred N. Reinholz. A four month extension of time is required; the fees for such have been paid.

BACKGROUND

On 29 April 2002, applicant filed international application No. PCT/AU02/00522 which claimed a priority date of 27 April 2001, and which designated the United States. A copy of the international application was communicated to the United States by the International Bureau on 07 November 2002.

On 27 October 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.

On 31 March 2004, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS indicating that the oath or declaration of the inventors and surcharge for filing the oath or declaration after the thirty month period, must be furnished within two months from the mail date of the notice or the application would be abandoned. Extensions of time were available.

On 30 September 2004, petitioner filed 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 an illegible Declaration and Power of Attorney which appears to be signed by a Gary Stemper, Director for 37 CFR 1.47(b) applicant Q-Vis Limited on behalf of the non-signing inventors, the petition fee, an assignment and statement under 37 CFR 3.73(b), and the Declaration of Jessica Springbett in Support of Petition for Filing on Behalf of Nonsigning Inventor(s).

Best Available Copy

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.

With the petition and supporting documents, petitioner has satisfied items (1), (3), (5) and (6). With regard to Item (4), the declaration submitted is illegible as it appears to be signed by Gary Stemper, Director for 37 CFR 1.47(b) applicant Q-Vis Limited on behalf of the non-signing inventors. A legible copy of the executed declaration is required.

With regard to item (2), petitioner has provided adequate proof that Mr. Dair refuses to sign the application by providing a copy of his E-mail dated 16 August 2004, which states that he received the 02 August 2004 letter and that both he and Mr. Reinholz refuse to "sign the declaration without negotiating suitable recompense." This is sufficient proof of Mr. Dair's refusal; however, petitioner has not provided adequate proof that Mr. Reinholz refuses to sign as alleged since Mr. Dair cannot speak for Mr. Reinholz.

With respect to attempts to reach or locate inventor, petitioner has not provided adequate proof that the inventor Reinholz refuses to sign the application. Specifically, petitioner has not provided proof of delivery that the package was successfully delivered to Mr. Reinholz after 02 August 2004, that Mr. Reinholz received the package and that he refuses to sign the application.

Ms Springbett's declaration does not provide any detail of the attempts to reach the nonsigning inventor Reinholz. No evidence of the attempts to deliver the correspondence to the inventor was provided; i.e. a tracking shipment statement indicating what attempts were made to deliver the correspondence to the nonsigning inventor at his respective last known address. Nor did Ms. Springbett attempt to contact Mr. Reinholz directly to inquire whether the copy of the application papers including specification, claims and drawings were delivered and whether Mr. Reinholz would sign. Thus, an acceptable reason for filing under 37 CFR 1.47 has not been provided.

Regarding item (5) when an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that the invention has been assigned to the applicant. Here the assignment and certificate under 37 CFR 3.73 was provided, satisfying item (5).

Accordingly items (2), and (4) 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).

Best Available Copy

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

Best Available Copy

02 MAR 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of DAIR et al. Application No.: 10/476,323 PCT No.: PCT/AU02/00522 Int. Filing Date: 29 April 2002 Priority Date: 27 April 2001 Attorney's Docket No.: 13353.19USWO For: OPTICAL BEAM DELIVERY CONFIGURATION	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicant's renewed petition under 37 CFR 1.47(b) to permit petitioner (applicant) to file the above-captioned application on behalf of the non-signing inventors, Geoffrey T. Dair. The petition was filed in the United States Patent and Trademark Office on 01 October 2004 and supplemented on 15 February 2005. The petition is being treated as a petition under 37 CFR 1.47(a) as it is accompanied by a declaration signed by previously nonsigning inventor, Fred N. Reinholz.

BACKGROUND

On 29 April 2002, applicant filed international application No. PCT/AU02/00522 which claimed a priority date of 27 April 2001, and which designated the United States. A copy of the international application was communicated to the United States by the International Bureau on 07 November 2002.

On 27 October 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.

On 31 March 2004, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS indicating that the oath or declaration of the inventors and surcharge for filing the oath or declaration after the thirty month period, must be furnished within two months from the mail date of the notice or the application would be abandoned. Extensions of time were available.

On 30 September 2004, petitioner filed a petition requesting that the above-identified application be accepted under the provisions of 37 CFR 1.47(b). The petition was accompanied by: an illegible Declaration and Power of Attorney on behalf of the non-signing inventors, the petition fee, an assignment and statement under 37 CFR 3.73(b), and the Declaration of Jessica Springbett in Support of Petition for Filing on Behalf of Nonsigning Inventors.

On 27 December 2004, a decision dismissing applicant's petition was mailed indicating

that applicant had not satisfied the requirements of 37 CFR 1.47(b).

Thereafter, papers filed by applicant on 01 October 2004 were matched with the application file. The 01 October 2004 papers were entitled "Supplemental Petition under 37 CFR 1.47(b), which was accompanied by a declaration signed by previous non-signing inventor Fred Reinholz. The petition states that "inventor Geoffrey Dair has not yet signed. If necessary, please consider the petition filed on September 30, 2004, a Petition under 37 CFR 1.47(a)."

On 15 February 2005, applicant submitted a Renewed Petition under 37 CFR 1.47(b), which is being treated as a petition under 37 CFR 1.47(a), along with a copy of the 01 October 2004 petition.

DISCUSSION

The declaration, executed by Fred Reinholz and submitted on 01 October 2004, is illegible and thus, unacceptable. Thereafter, on 15 February 2005, applicant submitted a legible declaration, executed by Fred Reinholz, which is acceptable. With regard to the nonsigning inventor Geoffrey Dair, applicant requests that the supplemental petition submitted on 01 October 2004 be considered as a petition under 37 CFR 1.47(a) to accept the application without the signature of Geoffrey Dair.

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.

With regard to Item (1), the fee for a petition under 37 CFR 1.47(a) has been charged to applicant's deposit account per his authorization.

With regard to item (2), petitioner provided adequate proof that Mr. Dair refuses to sign the application by providing a copy of his E-mail dated 16 August 2004. Mr. Dair states that he received the 02 August 2004 letter and that both he and Mr. Reinholz refuse to "sign the declaration without negotiating suitable recompense." This is sufficient proof of Mr. Dair's refusal.

With regard to Item (3), the last known address of Mr. Dair was submitted in the 30 September 2004 petition. With respect to Item (4), the declaration provided on 15 February 2005 is executed by joint inventor Fred Reinholz, on behalf of Mr. Dair and is in compliance with 37 CFR 1.497(a) and (b) and acceptable.

Petitioner has now satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) with regard to Geoffrey Dair is **GRANTED**.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 15 February 2005. The application has an international filing date of 29 April 2002 under 35 U.S.C. 363, and a date of 15 February 2005 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 inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

The application is being returned to the United States Designed/Elected Office (DO/EO/US) for processing as the U.S. National Stage of the above-identified international application.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

02 MAR 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Geoffrey Thomas Dair
Suite 1, 437 Rokeby Road
Subiaco, Western Australia 6008
Australia

In re Application of DAIR et al. Application No.: 10/476,323 PCT No.: PCT/AU02/00522 Int. Filing Date: 29 April 2002 Priority Date: 27 April 2001 Attorney's Docket No.: 13353.19USWO For: OPTICAL BEAM DELIVERY CONFIGURATION	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

Dear Mr. Dair:

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571)272 -3286

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARIA ERLINDA C. SARNO
PO BOX 1023
ARTESIA, CA 90702

COPY MAILED

FEB 1 2 2008

OFFICE OF PETITIONS

In re Application of
ARMSTRONG, Robert E.
Application No. 10/476,324
Filed: October 29, 2003
Attorney Docket No.

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 July 23, 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 there remains less than 30 (thirty days) between the date of this decision and the maximum extendable time period for filing a response to the Office action mailed on September 7, 2007.

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: **ROBERT E. ARMSTRONG**
12209 SUMMER AVENUE
NORWALK, CA 90650

26 APR 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

Brant Maurer
New Holland North America, Inc.
700 State Street
Racine, Wisconsin 53404

In re Application of	:	
MAERTENS, Koen	:	
Application No.: 10/476,328	:	
PCT Application No.: PCT/EP01/13688	:	DECISION ON
International Filing Date: 22 November 2001	:	
Priority Date: 24 November 2000	:	PETITION
Attorney Docket No.: 17487	:	
For: A METHOD OF ESTIMATING	:	UNDER 37 CFR 1.137(b)
CROP YIELDS	:	

Applicant's "Petition For Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137," filed in the United States Patent and Trademark Office on 27 October 2003 is GRANTED.

BACKGROUND

On 22 November 2001, applicant filed international application number PCT/EP01/13688, claiming priority of an earlier British application, filed on 24 November 2000. A copy of the international application was transmitted by the International Bureau on 30 May 2002. The United States of America was designated in the Request. Accordingly, the thirty month period for paying the basic national fee in the United States expired at midnight 24 April 2003 with the result that the international application became abandoned as to the United States of America on that date.

On 27 October 2003, the present petition to revive was submitted. Applicant has provided, *inter alia*, authorization to pay the petition fee, an unsigned inventor declaration, and the basic national fee.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

With regard to item (1) above, applicant has stated that "[t]he entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Applicant's statement is satisfactory for meeting the requirements of 37 CFR 1.137(b)(3) and item (1) above.

With regard to item (2) above, applicant has provided the basic national fee. Hence, the requirement of item (2) above is satisfied.

With regard to item (3) above, applicant has authorized payment of the required petition fee. Hence, the requirement of item (3) above is satisfied.

With regard to item (4) above, a terminal disclaimer is not required as application was filed after 08 June 1995.

Accordingly, all of the requirements under 37 CFR 1.137(b) have been satisfied, and so the petition is granted.

Applicant has provided an unsigned inventor declaration, and so the requirements of 35 USC 371(c)(4) are not satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is GRANTED as to National Stage in the United States of America.

This application has an international filing date of 22 November 2001 under 35 USC 363.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including issuance of a Notice of Missing Requirements FORM PCT/DO/EO/905 (371 Formalities Notice) for failure to provide a signed inventor declaration or oath as required by 35 USC 371(c)(4).

Michael La Villa
Detailee
Office of PCT Legal Administration
Telephone: (703) 308-6162
Facsimile: (703) 308-6459

Leonard E. Smith
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (703) 308-6461
Facsimile: (703) 308-6459

15 APR 200

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ashley I. Pezzner
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P.O. Box 2207
Wilmington, DE 19899

In re Application of
ROSENBAUM, Sonja *et al*
U.S. Application No.: 10/476,335
PCT No.: PCT/EP02/04325
Int. Filing Date:19 April 2002
Priority Date: 30 April 2001
Attorney Docket No.: 05581-00127-US
For: POLYLACTIC ACID (PLA) FILM HAVING GOOD ANTISTATIC PROPERTIES

DECISION ON PETITION UNDER 37 CFR 1.42

This is a decision on the declaration filed 29 March 2004 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 27 October 2003, applicants filed for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, a declaration signed by two joint inventors and two other persons not identified as inventors on the international publication ('WO 02/087877"). A Form PCT/IB/306 recording a change of inventors pursuant to PCT Rule 92*bis*.1 was not located in the file

On 05 March 2004, a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) was mailed indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee of $130.00 pursuant to 37 CFR 1.492(e) was required. A two-month time limit was set for response with extensions of time available.

On 29 March 2004, applicants filed the instant response which included a declaration signed by two of the three joint inventors and by two legal representatives of a deceased joint inventor and a check of $130.00 for the surcharge fee.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary

oath or declaration, and apply for and obtain the patent.

In the instant response, applicants have furnished a declaration signed by two of the three joint inventors and by Marlies Rosenbaum and Manfred Rosenbaum as the legal representatives of a deceased joint inventor, Sonja Rosenbaum.

A review of the declaration reveals that the residences, mailing addresses and citizenship of all the inventors, including the deceased inventor, are listed on the declaration pursuant to 37 CFR 1.497(a)(3). In addition, the citizenship and residence and mailing addresses of both of the legal representatives are recorded on the declaration pursuant to 37 CFR 1.497(b)(2).

This declaration complies with the requirements of 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

The application has an international filing date of 19 April 2002 under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 29 March 2004.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ARTHUR Z. BOOKSTEIN
K & L GATES LLP
STATE STREET FINANCIAL CENTER
ONE LINCOLN STREET
BOSTON, MA 02111-2950

COPY MAILED

MAY 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Dorn et al.	:	DECISION ON PETITION
Application No. 10/476,351	:	TO WITHDRAW
Filed: May 7, 2004	:	FROM RECORD
Attorney Docket No. 14673-065US	:	

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 26, 2006.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on June 21, 2006 the power of attorney to K & L Gates 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: C.R. Bard, Inc.
Bard Peripheral Vascular, Inc.
1415 W. 3rd Street
P.O. Box 1740
Tempe AZ 85280-1740

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

COPY MAILED

OCT 14 2008

OFFICE OF PETITIONS

In re Application of :
Walid Ali et al :
Application No. 10/476,354 :
Filed: October 30, 2003 :
Attorney Docket No. US010220 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 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 April 30, 2007, 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 July 31, 2007.

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

This matter is being referred to Technology Center AU 2621 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/476,354	10/30/2003	Walid Ali	US010220

CONFIRMATION NO. 4399

POWER OF ATTORNEY NOTICE

U S Philips Corporation
Intellectual Property Department
580 White Plains Road
Tarrytown, NY 10591

OC000000032442262

Date Mailed: 10/06/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/30/2008.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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
10/476,354	10/30/2003	Walid Ali	US010220

CONFIRMATION NO. 4399

24737
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

POA ACCEPTANCE LETTER

OC000000032442263

Date Mailed: 10/06/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/30/2008.

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

/idingle/

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

16 APR 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

23334
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L.
One Boca Commerce Center
551 N.W. 77th Street, Suite 111
Boca Raton, FL 33487

In re Application of	:	
GOZDAWA, Richard Julius	:	
U.S. Application No.: 10/476,395	:	
PCT No.: PCT/GB02/01871	:	**DECISION**
Int. Filing Date: 24 April 2002	:	
Priority Date: 30 April 2001	:	
Attorney's Docket No.: P/7093	:	
For: DRY GAS SEAL	:	

The decision is in response to applicant's "Petition Under 37 C.F.R. §1.47(b) Where Inventor Refuses to Sign" ("Pet.") and associated documents submitted with the national stage papers on 30 October 2003.

BACKGROUND

On 30 October 2003, applicants filed for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, a petition under 37 CFR 1.47(b); a declaration signed by the 37 CFR 1.47(b) applicant; a document titled "Oath or Declaration Accompanying Petition Under 37 C.F.R. §1.47(b) Where Inventor Refuses to Sign" ("Decl.") signed by Stuart D. Oakley as Director, Corac Group PLC; a copy of an "Employment Agreement" ("Agreement") signed by the sole inventor; and the $130.00 petition fee.

DISCUSSION

Petitioner claims that the sole inventor, Richard Julius Gozdawa, "refuses to execute an application for patent." Pet. at ¶ 1. Accordingly, the present petition was submitted with the national stage papers pursuant to the requirements of 37 CFR 1.47(b).

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor cannot be reached after diligent effort or refuses to cooperate, (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.

The appropriate petition fee has been paid. The last known address of the sole inventor is listed in the petition as:

14 Devon Way
Hillington, Middlesex UB10 OJS
United Kingdom

Regarding item (4), the 37 CFR 1.47(b) applicant included a Declaration signed by Stuart D. Oakley as Director Corac Group PLC Stuart Bernard Nonnenmacher, Director of Intellectual Property of Gemplus, the 37 CFR 1.47(b) applicant. Director is a position recognized as having the authority to sign for a foreign corporation. The declaration included the sole inventor's name, last known address, residence and citizenship and is in compliance with 37 CFR 1.497(a) and (b). Therefore, item (4) is satisfied.

With regard to item (6), section 409.03(g) of the Manual of Patent Examining Procedure (MPEP) states that "[i]rreparable damage may be established by a showing (a statement) that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage." A statement that "[t]his action is necessary to preserve the rights of Corac Group plc for U.S. national stage filing by October 30, 2003" is included in the instant petition.

Therefore, items (1), (3), (4) and (6) of 37 CFR 1.47(b) are satisfied.

Concerning item (2), the 37 CFR 1.47(a) applicant submitted an affidavit by Mr. Oakley who claims that they "approached Dr. Gozdawa . . . to execute a declaration and assignment for the above-referenced patent application and Dr. Gozdawa has refused to sign." Decl. at # 5. Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) discusses the requirements needed to show that an inventor refuses to join in an application and 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, 115USPQ 80

(Comm'r Pat. 1956) . . .

> 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, the 37 CFR 1.47(b) applicant has <u>not</u> shown that a complete copy of the application, including specification, claims and drawings were sent to the sole inventor. Moreover, the 37 CFR 1.47(b) applicant has not shown any evidence that they attempted to contact the sole inventor by telephone or email regarding the above-captioned application. Documentary evidence which supports the 37 CFR 1.47(b) applicant's claims should also be provided. For these reasons, item (2) is not satisfied.

Finally, section 409.03(f) of the MPEP discusses the proof required to show the requisite proprietary interest required by item (5) of 37 CFR 1.47(b) and 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:
>
> (A) the invention has been assigned to the applicant, or
> (B) the inventor has agreed in writing to assign the invention to the applicant, or
> (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application. . . .

Here, the 37 CFR 1.47(b) applicant provided a copy of the Agreement dated 15 December 2000. A review of this Agreement shows that employee duties with regards to inventions are discussed in sections 10. However, it is not clear from this Agreement whether the above-captioned application is "the property of the Company" or the "property of the Director" pursuant to the 39 Patent Act 1977 as discussed in sections 10.3, and 10.5.

In addition, section 409.03(f) of the MPEP also requires the 37 CFR 1.47(b) applicant to provide an additional statement, and states, in part:

> If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which 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 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.** (Emphasis added).

Therefore, a statement by a person having firsthand knowledge of the fact that Mr. Gozdawa made the invention during the normal course of his duties while employed by Corac Group PLC is required. But a more difficult issue will be for the 37 CFR 1.47(b) applicant to show that the invention is owned by Corac Group PLC as defined by the terms of the Agreement itself. A legal memorandum may be required. *See* §409.03(f) MPEP. For these reasons, item (5) is also not satisfied.

The 37 CFR 1.47(b) applicant failed to meet items (2) and (5), thus, it is not appropriate to accept this application under 37 CFR 1.47(b) at this time.

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. 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 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

16 APR 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

565-I0005-US

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

23334
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L.
One Boca Commerce Center
551 N.W. 77th Street, Suite 111
Boca Raton, FL 33487

Received
APR 19 2004
Fleit, Kain et al.

In re Application of :
GOZDAWA, Richard Julius :
U.S. Application No.: 10/476,395 :
PCT No.: PCT/GB02/01871 :
Int. Filing Date: 24 April 2002 :
Priority Date: 30 April 2001 :
Attorney's Docket No.: P/7093 :
For: DRY GAS SEAL :

DECISION

The decision is in response to applicant's "Petition Under 37 C.F.R. §1.47(b) Where Inventor Refuses to Sign" ("Pet.") and associated documents submitted with the national stage papers on 30 October 2003.

BACKGROUND

On 30 October 2003, applicants filed for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, a petition under 37 CFR 1.47(b); a declaration signed by the 37 CFR 1.47(b) applicant; a document titled "Oath or Declaration Accompanying Petition Under 37 C.F.R. §1.47(b) Where Inventor Refuses to Sign" ("Decl.") signed by Stuart D. Oakley as Director, Corac Group PLC; a copy of an "Employment Agreement" ("Agreement") signed by the sole inventor; and the $130.00 petition fee.

DISCUSSION

Petitioner claims that the sole inventor, Richard Julius Gozdawa, "refuses to execute an application for patent." Pet. at ¶ 1. Accordingly, the present petition was submitted with the national stage papers pursuant to the requirements of 37 CFR 1.47(b).

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor cannot be reached after diligent effort or refuses to cooperate, (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.

The appropriate petition fee has been paid. The last known address of the sole inventor is listed in the petition as:

14 Devon Way
Hillington, Middlesex UB10 OJS
United Kingdom

Regarding item (4), the 37 CFR 1.47(b) applicant included a Declaration signed by Stuart D. Oakley as Director Corac Group PLC Stuart Bernard Nonnenmacher, Director of Intellectual Property of Gemplus, the 37 CFR 1.47(b) applicant. Director is a position recognized as having the authority to sign for a foreign corporation. The declaration included the sole inventor's name, last known address, residence and citizenship and is in compliance with 37 CFR 1.497(a) and (b). Therefore, item (4) is satisfied.

With regard to item (6), section 409.03(g) of the Manual of Patent Examining Procedure (MPEP) states that "[i]rreparable damage may be established by a showing (a statement) that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage." A statement that "[t]his action is necessary to preserve the rights of Corac Group plc for U.S. national stage filing by October 30, 2003" is included in the instant petition.

Therefore, items (1), (3), (4) and (6) of 37 CFR 1.47(b) are satisfied.

Concerning item (2), the 37 CFR 1.47(a) applicant submitted an affidavit by Mr. Oakley who claims that they "approached Dr. Gozdawa . . . to execute a declaration and assignment for the above-referenced patent application and Dr. Gozdawa has refused to sign." Decl. at # 5. Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) discusses the requirements needed to show that an inventor refuses to join in an application and 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, 115USPQ 80

(Comm'r Pat. 1956) . . .

> 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, the 37 CFR 1.47(b) applicant has <u>not</u> shown that a complete copy of the application, including specification, claims and drawings were sent to the sole inventor. Moreover, the 37 CFR 1.47(b) applicant has not shown any evidence that they attempted to contact the sole inventor by telephone or email regarding the above-captioned application. Documentary evidence which supports the 37 CFR 1.47(b) applicant's claims should also be provided. For these reasons, item (2) is not satisfied.

Finally, section 409.03(f) of the MPEP discusses the proof required to show the requisite proprietary interest required by item (5) of 37 CFR 1.47(b) and 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:
>
> (A) the invention has been assigned to the applicant, or
> (B) the inventor has agreed in writing to assign the invention to the applicant, or
> (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application. . . .

Here, the 37 CFR 1.47(b) applicant provided a copy of the Agreement dated 15 December 2000. A review of this Agreement shows that employee duties with regards to inventions are discussed in sections 10. However, it is not clear from this Agreement whether the above-captioned application is "the property of the Company" or the "property of the Director" pursuant to the 39 Patent Act 1977 as discussed in sections 10.3, and 10.5.

In addition, section 409.03(f) of the MPEP also requires the 37 CFR 1.47(b) applicant to provide an additional statement, and states, in part:

> If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which 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 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.** (Emphasis added).

Therefore, a statement by a person having firsthand knowledge of the fact that Mr. Gozdawa made the invention during the normal course of his duties while employed by Corac Group PLC is required. But a more difficult issue will be for the 37 CFR 1.47(b) applicant to show that the invention is owned by Corac Group PLC as defined by the terms of the Agreement itself. A legal memorandum may be required. *See* §409.03(f) MPEP. For these reasons, item (5) is also not satisfied.

The 37 CFR 1.47(b) applicant failed to meet items (2) and (5), thus, it is not appropriate to accept this application under 37 CFR 1.47(b) at this time.

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. 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 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

DOCKETED
KS / 4/20/04
GT / 4/21/04

30 JUN 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

23334
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L.
One Boca Commerce Center
551 N.W. 77th Street, Suite 111
Boca Raton, FL 33487

In re Application of	:	
GOZDAWA, Richard Julius	:	
U.S. Application No.: 10/476,395	:	
PCT No.: PCT/GB02/01871	:	**DECISION**
Int. Filing Date: 24 April 2002	:	
Priority Date: 30 April 2001	:	
Attorney's Docket No.: P/7093	:	
For: DRY GAS SEAL	:	

The decision is in response to applicant's "Renewed Petition" filed 21 June 2004.

BACKGROUND

On 16 April 2004, a decision dismissing applicant's petition under 37 CFR 1.47(b) was mailed. Applicant was given two-months to respond with extensions of time available under 37 CFR 1.136(a).

On 21 June 2004, applicant filed the instant renewed petition which was accompanied by, *inter alia*, a declaration executed by the sole inventor.

DISCUSSION

The 37 CFR 1.47(b) has submitted a declaration executed by the sole inventor which is in compliance with 37 CFR 1.497(a) and (b).

No further response is required.

DECISION

The petition filed under 37 CFR 1.47(b) is dismissed as **MOOT**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 24 April 2002, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 21 June 2004.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

03 FEB 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
767 THIRD AVENUE, 25TH FLOOR
NEW YORK, NEW YORK 10017-2023

In Re Application of	:
MATSUOKA et al.	:
Serial No.: 10/476,403	:
PCT No.: PCT/JP03/01731	:
Int. Filing Date: 18 February 2003	: DECISION ON PETITION
Priority Date: 20 February 2002	:
Attorney Docket No.: 03642/HG	:
For: STEEL SHEET FOR INNER MAGNETIC SHIELD	:UNDER 37 CFR 1.182
AND MANUFACTURING METHOD THEREOF, ...	:

This is a decision on applicant's "Submission of Corrected Translation" treated as a petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office (USPTO) on 13 October 2004.

On 28 October 2003, applicant filed a request for national stage entry under 35 U.S.C. 371 for the above referenced international application. On 17 March 2004, a Notification of Acceptance was mailed to applicant indicating the date of receipt of all requirements under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) as 28 October 2003.

On 13 October 2004, applicant filed the instant petition along with a new English translation of the international application. Applicant states that the English translation of the international application filed on 28 October 2003 "is the same as the English language translation submitted on October 28, 2003, except that the first paragraph on page 1 has been deleted".

A Notification of Acceptance (Form PCT/DO/EO/903) was erroneously issued on 17 March 2004 based upon the filing of an insufficient English translation of the international application indicating a date for completion date of the requirements of 35 U.S.C. 371 of 28 October 2003. Since the all of the requirements under 35 U.S.C. 371 were not met in the above referenced application by 28 October 2003, the 17 March 2004 Notification of Acceptance is incorrect and hereby **VACATED**.

A review of the finance records for this application reveals that the $130 processing fee for filing the English translation after the thirty month period was not paid and will be charged to applicant's deposit account per his authorization.

A new Notification of Acceptance will be issued indicating that the requirements under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) were completed on **13 October 2004.**

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286

UNITED STATES 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.

COPY MAILED

MAY 04 2009

OFFICE OF PETITIONS

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

In re Application of	:	
Siegfried Schweidler et al.	:	
Application No. 10/476,420	:	DECISION ON PETITION
Filed: October 30, 2003	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(B)
PD010022	:	
Title: INTERFACE CIRCUIT	:	

This is a decision on the petition filed September 8, 2008, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed November 1, 2007, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no response was received. Accordingly, the above-identified application became abandoned on February 2, 2008. A notice of abandonment was mailed on July 8, 2008.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, a Request for Continued Examination (RCE) along with the associated fee, an amendment, and the proper statement of unintentional delay.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

Petitioner has also submitted a three-month extension of time. An extension of time under 37 C.F.R. §1.136 must be filed prior to the expiration of the maximum extendable period for reply.[2] Accordingly, since the $1050 extension of time submitted with the petition on September 8, 2008 was filed subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to Petitioner's deposit account.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment received on September 8, 2008 - can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

---

1 See Rule 1.137(d).
2 See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[3] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Robert D. Shedd
Thomson Licensing LLC
Patent Operations CN 5312
Princeton, NJ 08543-0028

Mail Date: 04/21/2010

Applicant	: Siegfried Schweidler	: DECISION ON REQUEST FOR
Patent Number	: 7580420	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/476,420	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/30/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1472** 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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/27/2010

Applicant	: Charles A Peters	: DECISION ON REQUEST FOR
Patent Number	: 7650381	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/476,423	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/27/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1149** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Gordon G. James
516 W. Hill St.
Long Beach, CA 90806

MAILED

OCT 26 2009

OFFICE OF PETITIONS

In re Application of
Gordon G. James
Application No.: 10/476,430
Filed: October 30, 2003
Attorney Docket No:

ON PETITION

This is in response to the petition under 37 CFR 1.137(b) filed September 1, 2009.

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 file a response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated Office (DO/EO/US) mailed March 29, 2004, which set a shortened period for reply of two months from its mailing date. No response was received and the application became abandoned on May 30, 2004. A Notice of Abandonment mailed November 13, 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 requirements of item (3) above.

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

> The Office does not generally question whether there has been an intentional or otherwise impermissible delay in filing an initial petition pursuant to 37 CFR 1.137(a) or (b), when such petition is filed: (A) within 3 months of the date the applicant is first notified that the application is abandoned; **and** (2) within 1 year of the date of abandonment of the application. Thus, an applicant seeking revival of an abandoned application is advised to file a petition pursuant to 37 CFR 1.137 within 3 months of the first notification that the application is abandoned to avoid the question of intentional delay being raised by the Office (or by third parties seeking to challenge any patent issuing from the application).
>
> Where a petition pursuant to 37 CFR 1.137(a) or (b) is not filed within 3 months of the date the applicant is first notified that the application is abandoned, the Office may consider there to be a question as to whether the delay was unavoidable or unintentional. In such instances,
>
> (A) the Office will require a showing as to how the delay between the date the applicant was first notified that the application was abandoned and the date a 37 CFR 1.137(a) petition was filed was "unavoidable"; or
>
> (B) the Office may require further information as to the cause of the delay between the date the applicant was first notified that the application was abandoned and the date a 37 CFR 1.137(b) petition was filed, and how such delay was "unintentional."
>
> To avoid delay in the consideration of the merits of a petition under 37 CFR 1.137(a) or (b) in instances in which such petition was not filed within 3 months of the date the applicant was first notified that the application was abandoned, applicants should include a showing as to how the delay between the date the applicant was first notified by the Office that the application was abandoned and the filing of a petition under 37 CFR 1.137 was (A) "unavoidable" in a petition under 37 CFR 1.137(a); or (B) "unintentional" in a petition under 37 CFR 1.137(b).

The subject application has been abandoned for more than five years and it has been an extended period since the Notice of Abandonment was mailed. Petitioner did not provide not explanation for delay in filing the instant petition and how the delay was unintentional. 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
www.uspto.gov

Gordon G. James
516 W. Hill St.
Long Beach, CA 90806

COPY MAILED

DEC 2 2 2009

OFFICE OF PETITIONS

In re Application of :
Gordon G. James
Application No.: 10/476,430 : ON PETITION
Filed: October 30, 2003 :
Attorney Docket No: :

This is in response to the renewed petition under 37 CFR 1.137(b) filed November 5, 2009.

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

This application became abandoned for failure to file a response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated Office (DO/EO/US) mailed March 29, 2004, which set a shortened period for reply of two months from its mailing date. No response was received and the application became abandoned on May 30, 2004. A Notice of Abandonment mailed November 13, 2007.

This application is being forwarded to the Office of Patent Application Processing for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

14 MAY 2004

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Antonia M. Holland
REINHART BOERNER VAN DEUREN S.C.
1000 North Water Street, Suite 2100
Milwaukee, Wisconsin 53202

In re Application of	:	
Scott A. BARNETT, et al.	:	
Application No.: 10/476,434	:	DECISION ON
PCT No.: PCT/US02/11050	:	PETITION
Int. Filing Date: 09 April 2002	:	UNDER 37 CFR 1.137(b)
Priority Date: 10 April 2001	:	
Attorney Docket No.: 5524-CIP-US	:	
For: DIRECT HYDROCARBON FUEL	:	
CELLS	:	

The petition to revive under 37 CFR 1.137(b) filed 30 October 2003 in the above-captioned application is hereby GRANTED as follows:

On 09 April 2002, applicants filed international application PCT/US02/11050, which claimed priority of an earlier U.S. application filed 10 April 2001. The application became abandoned as to the national stage in the United States because the basic national fee was not paid to the USPTO prior to the 30 months statutory time period, which expired at midnight on 10 October 2003.

On 30 October 2003, applicants filed the present petition, requesting revival of the international application under the provisions of 37 CFR 1.137(b) along with the appropriate petition fee as required by 37 CFR 1.17(m) for a small entity.

A review of the application papers filed 30 October 2003 reveals that all of the requirements of 37 CFR 1.137(b) for revival have been submitted. 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 by 37 CFR 1.137(b)(3) at the time of filing this petition.

Applicants' claim for priority is acknowledged. The application has an international filing date of **09 April 2002** under 35 U.S.C. 363.

The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as

to the National stage in the United States of America.

The application is being forwarded to the United States Designated/Elected Office for further processing, including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) to inform applicants that a declaration in compliance with 37 CFR 1.497 along with the $65.00 surcharge (fee code 2617) for filing an oath or declaration after 30 months must be submitted in order to avoid abandonment of the application as to the national stage in the United States.

Boris Milef
PCT Legal Examiner
PCT Legal Office

Nguyên Ngoc-Hô
Paralegal Specialist
PCT Legal Office

NNH/BM:hn

Tel: (703) 308-6508

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

OCT 2 0 2008

OFFICE OF PETITIONS

Enrique G Estevez
Allen Dyer Doppelt Milbrath & Gilchrist
P O Box 3791
Orlando, FL 32802

DECISION ON PETITION

In re Application of
Stephan V. Kroecker et al.
Application No. 10/476,437
Filed: October 30, 2003
Attorney Docket No. 26822.US

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 18, 2008, 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 April 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $770.00, 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). Since the $525 extension of time fee submitted with the petition on July 21, 2008, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3739 for appropriate action by the Examiner in the normal course of business on the reply received.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Enrique G. Estevez
255 South Orange Avenue
Suite 1401
Orlando, FL 32801

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

APR 30 2007

OFFICE OF PETITIONS

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

In re Application of	:	
VILLAIN, Matteo et al.	:	
Application No. 10/476,447	:	DECISION ON PETITION
Filed: August 16, 2004	:	TO WITHDRAW
Attorney Docket No. 021724-000210US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 15, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to William B. Kezer of TOWNSEND AND TOWNSEND AND CREW, LLP has been revoked by the assignee of the patent application on March 13, 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: **INTELLECTUAL PROPERTY DEPARTMENT**
AMYLIN PHARMECEUTICAL, INC.
9360 TOWNE CENTRE DRIVE
SAN DIEGO, CA 92121

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.
10/476,450	04/09/2004	David Arthur Grosvenor	1509-447	9193

7590 04/17/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
JOO, JOSHUA

ART UNIT	PAPER NUMBER
2154	

NOTIFICATION DATE	DELIVERY MODE
04/17/2008	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☑ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tom Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

02 APR 2004

44

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Sterne, Kessler, Goldstein & Fox, PLLC
1100 New York Avenue, NW
Washington, DC 20005-3934

In re Application of	:	
LE PAGE, Richard William Falla, et al.	:	
Application No.: 10/476,460	:	DECISION
PCT No.: PCT/GB02/01480	:	
Int. Filing Date: 28 March 2002	:	ON PETITION UNDER
Priority Date: 30 March 2001	:	
Docket No.: 0623.120000/LBB/PAC	:	37 CFR 1.137(b)
For: PROTEINS	:	

This decision is in response to applicant's "Petition to Revive Abandoned Application Under 37 C.F.R. §1.137(b)," filed in the above-captioned application on 31 October 2003.

BACKGROUND

On 28 March 2002, applicant filed international application PCT/GB02/01480, which claimed a priority date of 30 March 2001. A copy of the application was communicated to the United States Patent and Trademark Office from the International Bureau on 10 October 2002. A demand for international preliminary examination was filed on 14 October 2002, prior to the expiration of nineteen months from the priority date. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 30 September 2003.

On 31 October 2003, applicant filed a petition to revive accompanied by the petition fee and the basic national fee.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Items (2), (3), and (4) have been satisfied. A terminal disclaimer is not required as application was filed on or after 08 June 1995. The appropriate petition fee and basic national fee have been submitted.

Item (1) has not been satisfied. Applicants state that "based on correspondence from our client, 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 believed unintentional." This statement does not sufficiently track with the statement required by 37 CFR 1.137(b)(3).

CONCLUSION

For the reasons listed above, the petition to revive the application abandoned under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

The application remains **ABANDONED**.

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.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

20 APR 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

Sterne, Kessler, Goldstein & Fox, PLLC
1100 New York Avenue, NW
Washington, DC 20005-3934

In re Application of LE PAGE, Richard William Falla, et al. Application No.: 10/476,460 PCT No.: PCT/GB02/01480 Int. Filing Date: 28 March 2002 Priority Date: 30 March 2001 Docket No.: 0623.120000/LBB/PAC For: PROTEINS	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "Renewed Petition Under 37 C.F.R. §1.137(b)," filed in the above-captioned application on 15 April 2004.

BACKGROUND

On 28 March 2002, applicant filed international application PCT/GB02/01480, which claimed a priority date of 30 March 2001. A copy of the application was communicated to the United States Patent and Trademark Office from the International Bureau on 10 October 2002. A demand for international preliminary examination was filed on 14 October 2002, prior to the expiration of nineteen months from the priority date. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 30 September 2003.

On 31 October 2003, applicant filed a petition to revive accompanied by the petition fee and the basic national fee.

On 02 April 2004, the Office mailed Decision On Petition Under 37 CFR 1.137(b) dismissing applicant's petition without prejudice for failure to make the required statement.

On 15 April 2004, applicant submitted the instant renewed petition.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Items (2), (3), and (4) were previously satisfied.

Item (1) has now been satisfied.

CONCLUSION

For the reasons listed above, the petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the fee for late filing of the oath or declaration are required.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

17 NOV 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

William T. Christiansen, Ph.D.
SEED Intellectual Property Law Group, PLLC
701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092

In re Application of MANARESI, et al. Application No.: 10/476,467 PCT No.: PCT/IT02/00285 Int. Filing Date: 02 May 2002 Priority Date: 02 May 2001 Attorney Docket No.: 860138.401USPC For: METHOD AND APPARATUS FOR HIGH-THROUGHPUT BIOLOGICAL-ACTIVITY SCREENING OF CELLS AND/OR COMPOUNDS	DECISION ON PETITION AND NOTIFICATION OF ABANDONMENT

This decision is in response to applicant's petition filed 31 October 2005 in the United States Patent and Trademark Office (USPTO) seeking a corrected filing receipt and re-publication of the subject U.S. National stage application based on the non-inclusion of application drawings. The petition is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 02 May 2002, applicant filed international application PCT/IT02/00285, which claimed priority of an earlier Italian application filed 02 May 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 November 2002. A Demand for international preliminary examination, in which the United States was elected, was filed on 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 02 November 2003.

On 31 October 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 an Application Data Sheet.

On 01 March 2004, 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 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 given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 03 May 2004, applicant responded with a combined declaration and power of attorney executed by the inventors.

On 19 May 2004, applicant was mailed a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903).

On 31 October 2005, applicant filed the present petition indicating that the subject drawings were erroneously omitted from the filing receipt dated 19 May 2004 and the published application US-2004-0191789-A1. Applicant indicated that a corrected version of the international application was published on 24 June 2004. Applicant requested that the corrected WO publication be used as the basis for the present U.S. National stage application and that the drawings be reflected on both a corrected filing receipt and in the published application.

DISCUSSION

35 U.S.C. 371 *National stage: Commencement*, states, in part:

> (a) Receipt from the International Bureau of copies of international applications with any amendments to the claims, international search reports, and international preliminary examination reports including any annexes thereto may be required in the case of international applications designating or electing the United States . . .
>
> (c) The applicant shall file in the Patent and Trademark Office
>
> > (2) a copy of the international application, unless not required under subsection (a) of this section or already communicated by the International Bureau, and a translation into the English language of the international application, if it was filed in another language;
>
> (d) . . . The copy of the international application referred to in subsection (c)(2) shall be submitted by the date of the commencement of the national stage. **Failure to comply with these requirements shall be regarded as abandonment of the application by the parties thereof, unless it be shown to the satisfaction of the Director that such failure to comply was unavoidable.** (Emphasis added).

As detailed above, the International Bureau communicated a copy of the international application to the USPTO on 07 November 2002. However, this copy was not a complete copy of the international application as filed. According to 35 CFR 1.431, an international application shall contain, as specified by the Treaty and the Regulations, a Request, a description, one or more claims, and abstract, and one or more drawings (where required). (See also PCT Article 3.) The copy provided by the International Bureau did not contain the drawings. Accordingly, neither the International Bureau nor the applicant submitted a copy of the international application by the date of commencement of the national stage, *i.e.*, 02 November 2003 and the application is

abandoned.

RECOMMENDATION

Applicants may wish to consider filing a petition to the Commissioner under 37 CFR 1.137(a) or (b) requesting that the application be revived. Any petition filed under 37 CFR 1.137(a) and/or a petition under 37 CFR 1.137(b) requesting that the application be revived must meet the criteria indicated in the recent revision of 37 CFR 1.137. See 62 Fed. Reg. 53131 (October 10, 1997); 1203 Off. Gaz. Pat. Office 63 (October 21, 1997) (Effective Date: 01 December 1997).

This recommendation to file a petition under 37 CFR 1.137(a) or (b) should not be construed as an indication as to whether or not any such petition(s) will be favorably considered.

CONCLUSION

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

The NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) mailed 19 May 2004 is hereby **VACATED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for mailing of a "Notification of Abandonment" (Form PCT/DO/EO/909).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

17 NOV 2009

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

William T. Christiansen, Ph.D.
SEED Intellectual Property Law Group, PLLC
701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092

In re Application of MANARESI, et al. Application No.: 10/476,467 PCT No.: PCT/IT02/00285 Int. Filing Date: 02 May 2002 Priority Date: 02 May 2001 Attorney Docket No.: 860138.401USPC For: METHOD AND APPARATUS FOR HIGH-THROUGHPUT BIOLOGICAL-ACTIVITY SCREENING OF CELLS AND/OR COMPOUNDS:	DECISION ON PETITIONS UNDER 37 CFR 1.181 AND 37 CFR 1.137(b)

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) and "Statement of Facts" filed 12 June 2009 in the United States Patent and Trademark Office (USPTO). The statement of facts is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment. No petition fee is required.

BACKGROUND

On 17 November 2005, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 and informing applicant that the application was abandoned as to the U.S. National stage.

On 12 June 2008, applicant was mailed a "Notice of Abandonment."

On 12 June 2009, applicant filed the petitions discussed herein.

DISCUSSION

I. Petition Under 37 CFR 1.181

Applicant's statement of facts includes argument that the application should not have been abandoned. This argument is being considered under 37 CFR 1.181 as a petition to withdraw the holding of abandonment. Applicant contends that the application should not have been held abandoned as the drawings in question were ultimately transmitted by the International Bureau (IB) to the United States Designated/Elected Office (US/DO/EO).

As detailed in the decision mailed 17 November 2005, the issue at hand is the timeliness of the transmittal of a complete copy of the international application as filed.

35 U.S.C. 371 *National stage: Commencement*, states, in part:

(a) Receipt from the International Bureau of copies of international applications with any amendments to the claims, international search reports, and international preliminary examination reports including any annexes thereto may be required in the case of international applications designating or electing the United States . . .

(c) The applicant shall file in the Patent and Trademark Office

(2) a copy of the international application, unless not required under subsection (a) of this section or already communicated by the International Bureau, and a translation into the English language of the international application, if it was filed in another language;

(d) . . . The copy of the international application referred to in subsection (c)(2) shall be submitted by the date of the commencement of the national stage. **Failure to comply with these requirements shall be regarded as abandonment of the application by the parties thereof, unless it be shown to the satisfaction of the Director that such failure to comply was unavoidable.** (Emphasis added).

As detailed above, the International Bureau communicated a copy of the international application to the USPTO on 07 November 2002. However, this copy was not a complete copy of the international application as filed. According to 35 CFR 1.431, an international application shall contain, as specified by the Treaty and the Regulations, a Request, a description, one or more claims, and abstract, and one or more drawings (where required). (See also PCT Article 3.) The copy provided by the International Bureau did not contain the drawings. The international application was republished and the corrected documents transmitted; however this occurred after the expiration of thirty months from the priority date. Accordingly, neither the IB nor the applicant submitted a copy of the international application by the date of commencement of the national stage, *i.e.*, 02 November 2003 and the application was properly abandoned. Applicant's petition under 37 CFR 1.181 is **DISMISSED**.

II. Petition Under37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) 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" and the prompt filing of the petition satisfies the requirement of 37 CFR

1.137(b)(3).

A review of the application file reveals that applicant has now provided a statement of unintentional delay as to the filing of a complete copy of the international application including the drawings with the US/DO/EO. 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.

CONCLUSION

For the reasons given above, applicant's petition under 37 CFR 1.181 is **DISMISSED** and applicant's petition 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 new "Notice of Acceptance" (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

20 AUG 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

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

In re Application of MCNALLY et al. Application No.: 10/476,503 PCT No.: PCT/US02/31115 Int. Filing Date: 28 September 2002 Priority Date: 28 September 2001 Attorney Docket No.: MCP0312 For: DOSAGE FORM CONTAINING A CONFECTIONARY COMPOSITION	DECISION ON SUBMISSION

This is a decision on "Petition under 37 CFR 1.182" filed in the United States Patent and Trademark Office (USPTO) on 17 May 2004.

On 29 October 2003, applicants filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by, *inter alia*, the basic national fee. On 14 April 2004, a Notification of Missing Requirements was mailed to applicants, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required, along with the $130 surcharge for filing the oath or declaration after the thirty month period.

On 17 May 2004, applicants filed the instant petition along with a declaration executed by the named inventors identified in the published international application. Applicants request that the order of the inventors name appear as set forth on the executed declaration.

As stated in MPEP Section 605.04(f), "the order of names of joint patentees in the heading of the patent is taken from the order in which the typewritten names appear in the original oath or declaration". Since the declaration submitted on 17 May 2004, with the instant petition, orders the names of the inventors as requested in the petition, applicant's petition under 37 CFR 1.182 is **MOOT**.

The declaration submitted on 17 May 2004 is acceptable and meets the requirements of 37 CFR 1.497(a) and (b). The application will be forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (703) 306-5467
Facsimile: (703) 308-6459

23 MAR 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

Laurence H. Posorske
Hunton & Williams LLP
1900 K St., N.W., Suite 1200
Washington, D.C. 20006-1109

In re Application of	:	
Thomas M. LOFTUS, et al.	:	
Application No.:10/476,513	:	
PCT Application No.: PCT/US01/05316	:	DECISION ON
International Filing Date: 16 February 2001	:	
Priority Date: 16 February 2000	:	PETITION
Attorney Docket No.: 62732.000074	:	
For: WEIGHT LOSS INDUCED BY REDUCTION IN NEUROPEPTIDE Y LEVEL	:	UNDER 37 CFR 1.137(b)

Applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," (petition for revival) filed in the United States Patent and Trademark Office (PTO) on 31 October 2003 is **GRANTED**.

BACKGROUND

On 16 February 2001, applicant filed international application PCT/US01/05316. The international application claims a priority date of 16 February 2000 and designates the United States. Applicant filed a Demand on 17 September 2001, which is within the nineteen-month deadline (16 September 2001 was a Sunday). Therefore, the deadline for entry into the United States National Stage was thirty months from the priority date, that is 16 August 2002 .
On 31 October 2003, applicant filed the petition to revive accompanied by, *inter alia*, the basic national fee, the petition fee, and a signed declaration.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (3) the petition fee required by law, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995). Payment of the basic national fee and submission of a copy of the international application, if a copy has not previously been communicated by the International Bureau, constitute a proper reply for entry into the national stage.

Applicant's statement that "the entire delay in filing the required reply from the due date

for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfies the requirements of 37 CFR 1.137(b)(3). The basic national fee and the petition fee have been paid. Because the USPTO served as the Receiving Office for the international application, it was already in possession of a copy of the application and applicant has sent in a courtesy copy. A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

Deposit Account 50-0206 has been charged the $65.00 small-entity surcharge because the signed declaration was filed later than 30 months from the earliest claimed priority date.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an international filing date of 16 February 2001 under 35 U.S.C. 363 and a date of 31 October 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 Administration

Ankur Parekh
Detailee
PCT Legal Administration

Telephone: (703) 308-1315
Facsimile: (703) 308-6459

10/476549

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/30/07

Paper No.: _____

TO SPE OF : ART UNIT 3636

SUBJECT : Request for Certificate of Correction on Patent No.: 7178622

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

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

Valerie Jackson

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 114

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

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

Comments:

DAVID DUNN
SUPERVISORY PATENT EXAMINER
SPE

3636
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

JUN 29 2007

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

In re Application of	:	
Lin ZHOU, et al	:	
Application No. 10/476,579	:	DECISION ON PETITION
Filed: May 18, 2004	:	TO WITHDRAW
Attorney Docket No. 543822001300	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 13, 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 who are associated with customer No. 25227.

All attorneys/agents associated with Customer Number 25227 have been withdrawn.

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

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

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

cc: ZVONIMIR GABRIC
HERZOG-RUDOLF-WEG 25
ZORNEDING 85604
GERMANY

cc: DICKE, BILLIG & CZAJA, PLLC
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2200
MINNEAPOLIS, MN 55402

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
10/476,579	05/18/2004	Zvonimir Gabric	543822001300

CONFIRMATION NO. 6600

OC000000024087584

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 05/29/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/13/2007.

- 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.

Diane Goodwin

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

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

jm

Mailed: 6-14-07

In re Application of
Poulakis et al.
Serial No. 10/476,589
Filed: October 31, 2003
For: METHOD FOR PRODUCING A MECHANICAL FASTENER

: DECISION ON
: PETITION

This is a decision on the PETITION UNDER 37 CFR 1.144 TO WITHDRAW THE RESTRICTION REQUIREMENT mailed February 15, 2006.

On February 15, 2006, an election by original presentation was made in the final rejection. The examiner took the position that the groupings of claims were related as a process of making and product made.

On September 15, 2006 the instant petition under 37 CFR 1.144 was filed to formally request the withdrawal of the restriction requirement.

Applicant's position for the withdrawal of the restriction requirement is that the claims satisfy the unity requirements and should be examined with this application.

DECISION

The instant application has been filed under 35 U.S.C. 371 as a national phase application of PCT/EP02/04554 and as such is subject to the unity requirements set out in PCT Rules 13.1 – 13.4 and 37 CFR 1.475, as well as the PCT Administrative Instructions, Annex B.

The examiner improperly restricted the instant application under 35 USC 121, which does not apply to U.S. National Phase Applications.

Accordingly, no lack of unity has been shown and Petitioner's arguments are persuasive. The petition to withdraw the restriction requirement is **GRANTED**.

The application is being forwarded to the examiner for rejoinder of the non-elected claims and examination thereof.

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

MARK S BICKS
ROYLANCE ABRAMS BERDO & GOODMAN
SUITE 600
1300 19TH STREET NW
WASHINGTON DC 20036

11 MAY 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

Thomas J. Burger
WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202-2917

In re Application of	:	
Charles E. DINKLER, et al.	:	
Application No.: 10/476,596	:	DECISION ON
PCT No.: PCT/US02/12513	:	PETITION
Int. Filing Date: 19 April 2002	:	UNDER 37 CFR 1.137(b)
Priority Date: 20 April 2001	:	
Attorney Docket No.: OHM-167E	:	
For: RADIOLUCENT RETRACTOR AND	:	
RELATED COMPONENTS	:	

This decision is in response to the petition to revive under 37 CFR 1.137(b) filed 31 October 2003 in the above-captioned application. The appropriate petition fee as required by 37 CFR 1.17(m) for a small entity has been submitted.

BACKGROUND

On 19 April 2002, applicants filed international application PCT/us02/12513, which claimed priority of an earlier U.S. application filed 20 April 2001. Accordingly, the thirty month period for paying the basic national fee in the United States expired at midnight on 20 October 2003.

On 31 October 2003, applicants filed a Transmittal Letter for entry into the national stage in the United States under 35 U.S.C. 371 along with the present petition to revive the international application under 37 CFR 1.137(b). The basic national fee has been paid.

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 the date on which the application became abandoned and must be accompanied by (1) a proper reply unless it has been

previously submitted, (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 37 CFR 1.137(b) was unintentional". Applicants have satisfied items (1) and (2) above.

With regard to item (3), although the required statement was pre-printed in the petition, a review of the declaration of Thomas J. Burger attached to the petition indicated at page 3, lines 9-11 that "This letter instructed our firm to file national or regional stage applications in Canada, Japan and Europe", rather than to file in Europe, Canada, Japan, Korea and the U.S. as suggested by Mr. Burger. In view of the statement mentioned above, it is the applicants' clear intent not to pursue the filing of the application in Korea and in the United States.

DECISION

For the reasons indicated above, the petition to revive the present application under 37 CFR 1.137(b) is **DISMISSED**, without prejudice. The application remains abandoned as to the national stage in the United States.

If reconsideration on the merits of the petition under 37 CFR 1.137(b) is desired, applicants are required to file a response within **TWO (2) MONTHS** from the mail date of this Decision to address the inconsistency mentioned petition and to explain as to why the delay in filing the national stage in the U.S. was unintentional. Extension of this time period for response is available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

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

Richard Cole
PCT Legal Examiner
PCT Legal Office

Nguyên Ngoc-Hô
Paralegal Specialist
PCT Legal Office

NNH/RC:hn

Tel: (703) 308-6508

08 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Thomas J. Burger
WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202-2917

In re Application of	:	
Charles E. DINKLER, et al.	:	
Application No.: 10/476,596	:	DECISION ON
PCT No.: PCT/US02/12513	:	RENEWED PETITION
Int. Filing Date: 19 April 2002	:	UNDER 37 CFR 1.137(b)
Priority Date: 20 April 2001	:	
Attorney Docket No.: OHM-167E	:	
For: RADIOLUCENT RETRACTOR AND	:	
RELATED COMPONENTS	:	

This decision is in response to the Renewed Petition under 37 CFR 1.137(b) filed 20 June 2004 in the above-captioned application. Applicants' petition is **GRANTED**, as follows:

In a decision of 11 May 2004, the Office dismissed applicants' petition to revive filed 31 October 2003 on the grounds that the declaration of Thomas J. Burger, the attorney of record in the present application, indicates that "it is the applicants' clear intent not to pursue the filing of the application in Korea and in the United States" and required applicants to explain as to why the delay in filing the national stage in the U.S. was unintentional.

The declaration by applicant and inventor Charles E. Dinkler filed with the Renewed Petition addresses the objection mentioned supra. Specifically, the declaration clearly shows at paragraphs 7-11 that it was never applicants' intention to forego U.S. patent protection directed to this invention, and the failure to file a national application in the United States was a result of a misunderstanding because they "believed that a U.S. application was already pending before the USPTO."

All of the requirements of 37 CFR 1.137(b) for revival have been submitted. 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 declaration of the inventors filed 31 October 2003 reveals that it is unsigned.

Applicants' claim for priority is acknowledged. The application has an international filing date of **19 April 2002** under 35 U.S.C. 363.

The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application is being forwarded to the United States Designated/Elected Office for further processing, including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) to inform applicants that a declaration of the inventors in compliance with 37 CFR 1.497 must be submitted in order to avoid abandonment of the application as to the national stage in the United States.

Richard Cole
PCT Legal Examiner
PCT Legal Office

Nguyên Ngoc-Hô
Paralegal Specialist
PCT Legal Office

NNH/RC:hn

Tel: (703) 308-6508

09 MAR 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

William H. Logsdon
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818

In re Application of VAN DEN BROEK	:	
U.S. Application No.: 10/476,598	:	
PCT Application No.: PCT/NL01/00836	:	
Int. Filing Date: 19 November 2001	:	
Priority Date Claimed: 17 November 2000	:	DECISION
Attorney Docket No.: 0470-031895	:	
For: DEVICE FOR TREATING A FLUID-LIKE SAMPLE, SUCH AS A WHOLE BLOOD, WITH TREATMENT FLUID, USE OF SUCH A DEVICE AND KIT CONTAINING SUCH A DEVICE	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b)" filed 31 October 2003.

BACKGROUND

On 19 November 2001, applicant filed international application PCT/NL01/00836, which claimed priority of an earlier Netherlands application filed 17 November 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 23 May 2002. The thirty-month period for paying the basic national fee in the United States expired on 17 May 2003.

International application PCT/NL01/00836 became abandoned as to the United States for failure to timely pay the basic national fee.

On 31 October 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), the petition states, "The delay in entering the national phase of this application was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 19 November 2001, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 31 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

31 AUG 2004

#5

UNITED STATES PATENT and TRADEMARK OFFICE

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

Eitan, Pearl, Latzer &
Cohen, Zedek, LLP.
10 Rockefellor Plaza, Suite 1001
New York, New York 10020

In re Application of	: DECISION ON
GREGG, Peter Charles et al	:
Application No.: 10/476,621	:
PCT No.: PCT/AU02/00554	:
Int. Filing Date: 03 May 2002	: PETITION UNDER
Priority Date: 03 May 2001	:
Attorney's Docket No.: P-6313-US	:
For: ATTRACTANTS FOR MOTHS	: 37 CFR 1.137(b)

This decision is in response to applicants' "Petition Under 37 CFR 1.137(b)," filed on 19 April 2004.

BACKGROUND

On 03 May 2002, this international application was filed, claiming an earliest priority date of 03 May 2001.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 03 November 2003.

On 03 November 2003, applicants filed a Transmittal letter for entry into the national stage in the United States, which was not accompanied by either the basic national fee or an executed declaration or oath.

On 25 March 2004, the USPTO mailed applicant Notification of Abandonment (Form PCT/DO/EO/909) indicating the application was abandoned because applicant has failed to provide the full U.S. Basic National Fee by 30 months.

On 19 April 2004, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition under 37 CFR 1.137(b), accompanied by, *inter alia*, 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. 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 basic national filing fee, (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).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office

Telephone: (703) 308-6312
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

COPY MAILED

AUG 14 2007

OFFICE OF PETITIONS

In re Application of	:	
DILLON et al	:	
Application No.: 10/476,673	:	DECISION ON PETITION
Filing Date: November 4, 2003	:	UNDER 37 CFR 1.137(B)
Attorney Docket No.: CE31016P	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 2, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed January 25, 2007, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on April 26, 2007.

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

This application is being referred to the Office of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3303.

Bryan Lin

Bryan Lin
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy

11 AUG 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

SMITH-HILL AND BEDELL
12670 N W BARNES ROAD
SUITE 104
PORTLAND, OR 97229

In re Application of LEHTONEN et al	:	
U.S. Application No.: 10/476,678	:	
PCT Application No.: PCT/FI02/00323	:	DECISION
Int. Filing Date: 18 April 2002	:	
Priority Date Claimed: 14 May 2001	:	
Attorney Docket No.: AWEK 2809	:	
For: FUEL INJECTION ARRANGEMENT	:	

This is in response to applicant's "Request to Correct 371 (c) Date" filed 26 July 2004, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 18 April 2002, applicant filed international application PCT/FI02/00323, which claimed priority of an earlier Finland application filed 14 May 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 21 November 2002. The thirty-month period for paying the basic national fee in the United States expired on 14 November 2003.

On 03 November 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 26 March 2004, 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 26 April 2004, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 March 2004.

On 26 July 2004, applicant filed the present petition under 37 CFR 1.181.

BEST AVAILABLE COPY

DISCUSSION

A review of the application file reveals that an executed declaration was filed on 03 November 2003.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 26 March 2004 is hereby VACATED.

The Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 26 April 2004 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 18 April 2002, and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 03 November 2003.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

Bryan Tung
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: 703-308-6614
Facsimile: 703-308-6459

BEST AVAILABLE COPY

11 AUG 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

SMITH-HILL AND BEDELL
12670 N W BARNES ROAD
SUITE 104
PORTLAND, OR 97229

AUG 16 2004

In re Application of LEHTONEN et al
U.S. Application No.: 10/476,678
PCT Application No.: PCT/FI02/00323
Int. Filing Date: 18 April 2002
Priority Date Claimed: 14 May 2001
Attorney Docket No.: AWEK 2809
For: FUEL INJECTION ARRANGEMENT

DECISION

This is in response to applicant's "Request to Correct 371 (c) Date" filed 26 July 2004, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 18 April 2002, applicant filed international application PCT/FI02/00323, which claimed priority of an earlier Finland application filed 14 May 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 21 November 2002. The thirty-month period for paying the basic national fee in the United States expired on 14 November 2003.

On 03 November 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 26 March 2004, 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 26 April 2004, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 March 2004.

On 26 July 2004, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application file reveals that an executed declaration was filed on 03 November 2003.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 26 March 2004 is hereby VACATED.

The Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 26 April 2004 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 18 April 2002, and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 03 November 2003.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

Bryan Tung

Bryan Tung
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: 703-308-6614
Facsimile: 703-308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STEVENS DAVIS MILLER & MOSHER, LLP
1615 L STREET, NW
SUITE 850
WASHINGTON DC 20036

MAIL

FEB 28 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Daiji Ido, et al. :
Application No. 10/476,682 :
Filed: November 5, 2003 :
For: **PACKET TRANSMITTER, PACKET RECEIVER AND PACKET TRANSMISSION METHOD** :

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed January 6, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

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

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications

17 JUN 2004

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OPPEDAHL & LARSON, LLP
PO Box 5068
DILLON, CO 80435

In re Application of BIRLE et al. Application No.: 10/476,705 PCT No.: PCT/US02/25668 Int. Filing Date: 12 August 2002 Priority Date: 10 August 2001 Attorney's Docket No.: MLCO P002 NP For: CONVERTIBLE FINANCIAL INSTRUMENTS WITH CONTINGENT PAYMENTS	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision to applicant's " PETITION UNDER 37 CFR 1.47", filed in the United States Receiving Office (RO/US) on 07 February 2003. The petition fee of $130 has been paid. The petition requests acceptance of the application without the signature of inventor Emerson P. Jones.

BACKGROUND

On 12 August 2002, applicant filed international application No. PCT/US02/25668, which claimed a priority date of 10 August 2001 and which designated the United States.

On 20 January 2003, in response to the 04 September 2002 Invitation to Correct Defects in the International Application, applicants' attorney filed Powers of Attorney for all applicant/inventors listed on the publication of the international application, except Emerson P. Jones.

On 07 February 2003, counsel filed a petition under 37 CFR 1.47(a), which requested that the application be accepted without the signature of Emerson P. Jones and Daniel Y. Kerstein. Applicant stated that Mr. Jones and Mr. Kerstein refused to sign the declaration relating to the above referenced application.

On 11 July 2003, a decision holding the petition in abeyance was mailed, advising applicant that the petition under 37 CFR 1.47(a) was not ripe for review as national stage entry in the United States had not yet occurred.

On 03 November 2003, within the thirty month period, applicant filed an express request to enter the U.S. National stage. Applicant indicated that the declaration and petition under 37 CFR 1.47(a), filed on 07 February 2003, be considered. The petition under 37 CFR 1.47(a) is now ripe for review.

With the submission of the declaration executed by applicant/inventor Daniel J. Kerstein on 30 December 2003, applicant's petition under 37 CFR 1.47(a) with respect to Kerstein is MOOT. A review of the declaration reveals that it is in compliance with 37 CFR 1.497(a) & (b).

On 08 April 2004, in response to the 25 March 2004 Notification of Missing Requirements applicants refile the petition under 37 CFR 1.47(a) to accept the application without the signature of Emerson P. Jones.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Item (1), (3) and (4) are satisfied.

With respect to item (2), applicant provided a first-hand statement of facts under 37 CFR 1.47(a), the declaration of Patrick Romain, First Vice-President, Senior Counsel, Corporate Law in the Office of General Counsel of Merrill Lynch & Co., Inc. Mr. Romain states that on about 10 January 2003, he presented Mr. Jones with a full set of the application papers, including the specification, claims and drawings and declaration by hand delivery to his last known business address at Goldman Sachs & Co. A copy of this letter to Mr. Jones was not attached to his statement of facts.

Furthermore, Exhibit 1 was attached to the statement does not specifically state that documents relating to PCT/US02/25668, namely a complete copy of the application papers, were provided to Mr. Jones. While the attached Exhibit list identifies the declaration and Power of attorney for PCT/US02/25668, it does not clearly indicate that a copy of the application papers including specification, claims and drawings for the above referenced application (10/476,705) was provided to Mr. Jones.

Furthermore, with regard to the delivery of these documents to Mr. Jones, the tracking notification from the delivery company is nearly illegible and has been provided without any explanation. There does not appear to be any indication that the papers were actually delivered to Emerson P. Jones or indicate the time and date of delivery. Indeed, there is no indication, via Mr. Jones' signature, that he *ever* received these papers. Thus it cannot be concluded that Mr. Jones refuses to sign the application.

With respect to Item (2) above, Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal, states, in pertinent 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 there is an express written refusal, a copy of the document evidencing that refusal must be made part of 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

Petitioner has not yet satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) with respect to Emerson P. Jones is **DISMISSED WITHOUT PREJUDICE**. Applicant's petition under 37 CFR 1.47(a) with respect to Kerstein is **MOOT**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) 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 petition fee is required. Any further extensions of time available 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
Office of PCT Legal Administration

Telephone: (703) 306-5467

UNITED STATES PATENT AND TRADEMARK OFFICE

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

11 JUL 2003

RECEIVED
JUL 18 2003
Scanned
MMW

OPPEDAHL & LARSON, LLP
POB 5068
DILLON, CO 80435

In re Application of
MERRILL LYNCH & CO., INC.
PCT No.: PCT/US02/25668
Int. Filing Date: 12 August 2002
Priority Date: 10 August 2001
Attorney's Docket No.: MLCO.P-002-WO
For: CONVERTIBLE FINANCIAL INSTRUMENTS WITH CONTINGENT PAYMENTS

DECISION ON

PETITION UNDER

37 CFR 1.47(a)

This is in response to applicant's " PETITION UNDER 37 CFR 1.47" alleging applicant/inventors Emerson P. Jones and Daniel Y. Kerstein's refusal to sign a declaration under 37 CFR 1.497 in the international stage of the application. The petitions were filed in the United States Receiving Office (RO/US) on 07 February 2003. The petition fees of $130 were paid.

BACKGROUND

On 12 August 2002, applicant filed international application No. PCT/US02/25668, which claimed a priority date of 10 August 2001 and which designated the United States.

On 20 January 2003, in response to the 04 September 2002 Invitation to Correct Defects in the International Application, applicants' attorney filed Powers of Attorney for all applicant/inventors listed on the publication of the international application, except Emerson P. Jones.

On 07 February 2003, counsel filed the instant petition under 37 CFR 1.47(a), which requests that the application be accepted without the signature of Emerson P. Jones and Daniel Y. Kerstein. Applicant states that Mr. Jones and Mr. Kerstein refused to sign the declarations relating to the above referenced application.

DISCUSSION

It is undisputed that the application at issue is currently in the international phase of processing and that applicant has not yet requested national stage processing in the U.S. under 35 U.S.C. 371. Pursuant to PCT Rule 4.17, submission of a declaration executed by the inventors is not a requirement for international application processing but an option that applicant may exercise at his discretion and for his convenience.

PCT Article 23 relates to delaying national procedure and states "No designated Office shall process or examine the international application prior to the expiration of the applicable

time limit under Article 22". The time limits set forth in Article 22 have not been met nor has applicant requested early national stage processing. Pursuant to Article 23 and 35 U.S.C. 371(f), the U.S. Receiving Office cannot effect national stage processing at this time. The provisions of 37 CFR 1.47 are not applicable to international applications.

Thus, applicant's petition under 37 CFR 1.47 is not ripe for review. Applicant is advised to resubmit a copy of the petition under 37 CFR 1.47(a) upon entry into the U.S. national stage under 35 U.S.C. 371. See MPEP 1893.01(e). Oath/Declaration.

CONCLUSION

For the reasons stated above, the petition under 37 CFR 1.47(a) that the declaration in the international application be accepted without the signature of applicant/inventors Emerson P. Jones and Daniel Y. Kerstein is held in abeyance pending national stage commencement.

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (703) 306-5467

CMK/BM:cmk

0 5 NOV 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

OPPEDAHL & LARSON, LLP
PO Box 5068
DILLON, CO 80435

In re Application of BIRLE et al. Application No.: 10/476,705 PCT No.: PCT/US02/25668 Int. Filing Date: 12 August 2002 Priority Date: 10 August 2001 Attorney's Docket No.: MLCO P002 NP For: CONVERTIBLE FINANCIAL INSTRUMENTS WITH CONTINGENT PAYMENTS	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This is a decision to applicant's "RENEWED PETITION UNDER 37 CFR 1.47(a)", filed in the United States Receiving Office (RO/US) on 30 June 2004 and "REVISED RENEWED PETITION UNDER 37 CFR SECTION 1.47(A)" filed on 05 August 2004. The petition requests acceptance of the application without the signature of inventor Emerson P. Jones.

BACKGROUND

On 08 April 2004, in response to the 25 March 2004 Notification of Missing Requirements applicants refiled the petition under 37 CFR 1.47(a) to accept the application without the signature of Emerson P. Jones. On 17 June 2004, a decision dismissing the petition was mailed. On 30 June 2004, a renewed petition under 37 CFR 1.47(a) was filed requesting reconsideration of the 17 June 2004 decision.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Item (1), (3) and (4) were previously satisfied.

With respect to item (2), applicant previously provided a first-hand statement of facts under 37 CFR 1.47(a), the declaration of Patrick Romain, First Vice-President, Senior Counsel, Corporate Law in the Office of General Counsel of Merrill Lynch & Co., Inc. Mr. Romain stated that on or about 10 January 2003, he presented Mr. Jones with a full set of the application papers, including the specification, claims and drawings and declaration by hand delivery to his last known business address at Goldman Sachs & Co.

It is noted that Mr. Romain's declaration was dated 27 January 2003, a little more than

two weeks after Mr. Romain's letter (dated and delivered on or about 10 January 2003) was sent to Mr. Jones. This was not considered sufficient time to allow Mr. Jones to review and respond to the letter. With the filing of the renewed petition on 05 August 2004, the United States Patent and Trademark Office is relying on petitioner's duty of candor and good faith that no response has been received from Mr. Jones as of the date of the renewed petition (05 August 2004). Thus, it can be concluded that sufficient time has passed to consider Mr. Jones's conduct a refusal to sign the application.

Petitioner has now satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) with respect to Emerson P. Jones is **GRANTED.**

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 30 December 2003. The application has an international filing date of 12 August 2002 under 35 U.S.C. 363, and a date of 30 December 2003 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

The application is being returned to the United States Designed/Elected Office (DO/EO/US) for processing as the U.S. National Stage of the above-identified international application.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571)272-3286

CMK/BM

05 NOV 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

Emerson P. Jones
Goldman Sachs & Co.
One New York Plaza
49th Floor
New York, NY 10004

In re Application of BIRLE et al. Application No.: 10/476,705 PCT No.: PCT/US02/25668 Int. Filing Date: 12 August 2002 Priority Date: 10 August 2001 Attorney's Docket No.: MLCO P002 NP For: CONVERTIBLE FINANCIAL INSTRUMENTS WITH CONTINGENT PAYMENTS	DECISION ON PETITION UNDER 37 CFR 1.47(a)

Dear Mr. Jones:

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
PCT Legal Office

Telephone: (571)272 -3286

OPPEDAHL & LARSON, LLP
PO Box 5068
DILLON, CO 80435

17 JUN 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

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS
Intellectual Property Law Offices
502 Washington Avenue Suite 220
Towson, MD 21204

In re Application of HAZAN et al. Application No.: 10/476,723 PCT No.: PCT/EP02/02926 Int. Filing Date: 15 March 2002 Priority Date: 03 May 2001 Attorney's Docket No.: 03335-PCT-PA For: ANTI-VANDALISM AND CUT RESISTANT FABRIC	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicant's "Response", which is treated as a petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 14 May 2004. The petition requests acceptance of the application without the signature of joint inventor Luc De Meyer.

BACKGROUND

On 15 March 2002, applicant filed international application No. PCT/US02/02926, which claimed a priority date of 03 May 2001 and which designated the United States.

On 30 October 2003, within the thirty month period, applicant filed an express request to enter the U.S. National stage along with the basic national fee and a declaration executed by joint inventor Eric Hazan.

On 19 March 2004, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required. The declaration provided did not bear the signature of second inventor, Luc De Meyer.

On 14 May 2004, in response to the 19 March 2004 Notification of Missing Requirements, applicant filed the instant petition under 37 CFR 1.47(a) to accept the application without the signature of Luc De Meyer.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Item (1) is satisfied with the payment of the $130 petition fee charged to applicant's deposit account per his authorization. Item (4) is satisfied with the declaration submitted on 30 October 2003.

With respect to Item (2) above, Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal, states, in pertinent 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 there is an express written refusal, a copy of the document evidencing that refusal must be made part of 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

Applicant provided a copy of the letter sent from Alain Colens to the non-signing inventor dated 28 April 2004 referencing PCT application PCT/EP02/02926. The letter indicates that a copy of the specification as filed as well as a declaration was sent to Mr. De Meyer. Applicant also submitted a first-hand statement of facts under 37 CFR 1.47(a) by Alain Colens. The statement indicates that "a copy of the specification, claims, drawings and a declaration were enclosed"; however, this statement of facts is not signed by Mr. Colens. The statement of facts should be signed by Mr. Colens and submitted for consideration.

It is noted that the petition was filed on 14 May 2004 less than a month after Mr. Colens letter (dated 28 April 2004 and allegedly delivered on 05 May 2004) was sent to Mr. De Meyer. This is not considered sufficient time to allow Mr. De Meyer to review and respond to the letter.

Furthermore, Mr. Colens states "a letter was received from [De Meyer's] attorney setting certain conditions, unrelated with the issue of inventorship, which are the subject of litigation between the co-inventors". A copy of this letter was not provided.

Finally, the copy of the return postcard receipt apparently from the Belgium postal service was provided; however the postal receipt was not translated into the English language. An

English translation of the postal receipt is required to prove that Mr. Colens' letter was received by Mr. De Meyer.

For the reasons set forth above, it cannot be concluded that Mr. De Meyer refuses to sign the application at this time.

With regard to Item (3), the last known address of the non-signing inventor is required and has not yet been provided.

Petitioner has not yet satisfied Items (2) and (3) above. Thus, the requirements of 37 CFR 1.47(a) have not been met and it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) with respect to Luc De Meyer is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) 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 petition fee is required. Any further extensions of time available 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

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (703) 306-5467

15 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS
Intellectual Property Law Offices
502 Washington Avenue Suite 220
Towson, MD 21204

In re Application of HAZAN et al. Application No.: 10/476,723 PCT No.: PCT/EP02/02926 Int. Filing Date: 15 March 2002 Priority Date: 03 May 2001 Attorney's Docket No.: 03335-PCT-PA For: ANTI-VANDALISM AND CUT RESISTANT FABRIC	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicant's "Response", which is treated as a renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 11 August 2004. The petition requests acceptance of the application without the signature of joint inventor Luc De Meyer.

BACKGROUND

On 14 May 2004, in response to the 19 March 2004 Notification of Missing Requirements, applicant filed a petition under 37 CFR 1.47(a) to accept the application without the signature of Luc De Meyer. On 17 June 2004, a decision dismissing applicant's petition was mailed indicating that applicant had not shown Mr. De Meyer refuses to sign the application and to provide the last known address of the non-signing inventor .

On 11 August 2004, applicant submitted this renewed petition and supplemented the petition on 10 September 2004, submitting the last known address of the nonsigning inventor.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Items (1) and (4) were previously satisfied. With respect to Item (2) above, applicant has now provided a signed first-hand statement of facts under 37 CFR 1.47(a) by Alain Colens, which states that on 28 April 2004, "a copy of the specification, claims, drawings and a declaration" were sent to Mr. De Meyer for his review. Mr. De Meyer has not returned the signed Declaration.

Further, Mr. Colens states "a letter was received from [De Meyer's] attorney [Ir. Johan Brants] setting certain conditions, unrelated with the issue of inventorship, which are the subject

of litigation between the co-inventors". A copy of Mr. De Meyer's attorney's letter was provided with the renewed petition indicating receipt of the 28 April 2004 communication.

Finally, the copy of the return postcard receipt with English translation of the postal receipt was provided to prove that Mr. Colens' letter was received by Mr. De Meyer.

It was noted in the 17 June 2004 decision that the original petition was filed on 14 May 2004, less than a month after Mr. Colens' letter (dated 28 April 2004 and delivered on 05 May 2004) was sent to Mr. De Meyer. This was not considered sufficient time to allow Mr. De Meyer to review and respond to the letter. With the filing of the renewed petition on 11 August 2004, counsel indicates that " no further response has been received" and it can be concluded that sufficient time has past to consider Mr. De Meyer's conduct a refusal to sign the application.

For the reasons set forth above, it can now be concluded that Mr. De Meyer refuses to sign the application at this time.

With regard to Item (3), the last known address of the non-signing inventor is required and has now been provided.

Petitioner has satisfied Items (2) and (3) above. Thus, the requirements of 37 CFR 1.47(a) have been met and it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) with respect to Luc De Meyer is **GRANTED**.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 30 October 2003. The application has an international filing date of 15 March 2002 under 35 U.S.C. 363, and a date of 30 October 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 non-signing inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

The application is being returned to the Publications Branch for processing.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (703) 306-5467

15 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LUC DE MEYER
ACACIALAAN 15
1910 KAMPENHOUT
BELGIUM

In re Application of HAZAN et al. Application No.: 10/476,723 PCT No.: PCT/EP02/02926 Int. Filing Date: 15 March 2002 Priority Date: 03 May 2001 Attorney's Docket No.: 03335-PCT-PA For: ANTI-VANDALISM AND CUT RESISTANT FABRIC	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

Dear Mr. De Meyer:

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
PCT Legal Office

Telephone: (703) 306-5467

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS
Intellectual Property Law Offices
502 Washington Avenue Suite 220
Towson, MD 21204

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HEDMAN & COSTIGAN PC
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

COPY MAILED
JUL 21 2006
OFFICE OF PETITIONS

In re Application of	:	
Tarcisio Maggioni	:	
Application No. 10/476,725	:	ON PETITION
Filed: March 3, 2004	:	
Attorney Docket No. 1011-586	:	

This is a decision on the petition to revive under 37 CFR 1.137(a), filed June 5, 2006.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action mailed September 14, 2005. This Office action set a shortened statutory period for reply of three (3) months. On February 7, 2006, applicant filed a two month extension of time. However, no amendment accompanied the extension. No reply having been received, the above identified application became abandoned on February 15, 2006. The mailing of this decision precedes the mailing of a courtesy Notice of Abandonment.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With regards to item (3), petitioner states that he filed an Amendment, via facsimile, to the Assignment Branch on January 16, 2006. On February 7, 2006, petitioner states that he discovered a one month extension of time was not filed with the January 16, 2006 Amendment, so petitioner filed a two month extension of time, this time to the central facsimile number. Finally, on March 28, 2006, petitioner discovered that the January 16, 2006 Amendment was transmitted to the Assignment Branch, so petitioner faxed a copy to the central facsimile number. By that time, the statutory period for reply had already expired. Petitioner argues that the Amendment was in "PTO files" as of February 7, 2006.

MPEP 502.01(I)(A) states that "Effective December 1, 2003, all patent application related correspondence transmitted by facsimile **must** be directed to the central facsimile number, with a few exceptions below. The central facsimile number is (571) 273-8300." Emphasis added. MPEP 502.01(I)(B) states that one of the exceptions is that assignments or other documents affecting title may be faxed to (571)273-0140.

That petitioner transmitted the Amendment to the incorrect facsimile number is not in dispute. Unfortunately, the instant situation is not one that rises to the level of unavoidable delay. Rather, the delay is one that could have been avoided with the reasonable exercise of due care.

---

[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m), currently $750 for a small entity; and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

The $250 petition fee has been charged to Deposit Account No. 08-1540, as authorized. The petition fee required for a petition to revive is required for the filing, not merely the grant, of the petition.[3]

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

[3] See MPEP 711.03(c)(II)(B).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HEDMAN & COSTIGAN PC
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

COPY MAILED

SEP 25 2006

OFFICE OF PETITIONS

In re Application of	:	
Tarcisio Maggioni	:	
Application No. 10/476,725	:	ON PETITION
Filed: March 3, 2004	:	
Attorney Docket No. 1011-586	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed July 31, 2006.

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

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action mailed September 14, 2005. This Office action set a shortened statutory period for reply of three (3) months. On February 7, 2006, applicant filed a two month extension of time. However, no Amendment accompanied the extension. No reply having been received, the above identified application became abandoned on February 15, 2006. Applicant filed a petition to revive under 37 CFR 1.137(a) on June 5, 2006. However, the petition was dismissed in a decision mailed on July 21, 2006.

With the instant petition, petitioner paid the petition fee and made the proper statement of unintentional delay. The required reply in the form of an Amendment was previously filed on March 28, 2006.

The matter is being forwarded to Group Art Unit 3763 for consideration of the Amendment filed March 28, 2006.

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

Cliff Congo
Petitions Attorney
Office of Petitions

21 MAY 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

Grant T. Langton
Jeffer, Mangels, Butler & Marmaro, LLP
1900 Avenue of the Stars
Seventh Floor
Los Angeles, CA 90067

In re Application of	:	
OIKAWA, Kikuo et al.	:	
Application No.: 10/476,730	:	DECISION
PCT No.: PCT/JP02/04366	:	
Int. Filing Date: 01 May 2002	:	ON PETITION UNDER
Priority Date: 02 May 2001	:	
Docket No.: 11111-1111	:	37 CFR 1.137(b)
For: GAS ABSORBING MATERIAL	:	

Applicants' "Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the above-captioned application on 14 May 2004 is **GRANTED**. Applicants included a postcard receipt indicating that a petition to revive was filed in this case on 23 March 2004 and indicate that this petition is a copy of the earlier filed petition. This petition is accepted as having a receipt date of 23 March 2004.

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 37 CFR 1.137(b)(3). The petition fee and basic national fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

#11

UNITED STATES PATENT AND TRADEMARK OFFICE

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

07 FEB 2006

Grant T. Langton
Jeffer, Mangels, Butler & Marmaro, LLP
1900 Avenue of the Stars
Seventh Floor
Los Angeles, CA 90067

In re Application of	:	
OIKAWA, Kikuo et al.	:	
Application No.: 10/476,730	:	DECISION
PCT No.: PCT/JP02/04366	:	
Int. Filing Date: 01 May 2002	:	ON PETITION UNDER
Priority Date: 02 May 2001	:	
Docket No.: 11111-1111	:	37 CFR 1.181
For: GAS ABSORBING MATERIAL	:	

This decision is in response to applicant's "Petition to Withdraw Holding of Abandonment," filed on 01 September 2005.

BACKGROUND

On 28 May 2004, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late furnishing of the oath or declaration were required.

On 22 August 2005, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely respond to the Notification mailed 28 May 2004.

On 01 September 2005, applicants submitted a petition under 37 CFR 1.181, accompanied by a declaration of the inventors and a postcard receipt stamped 18 June 2004.

DISCUSSION

A petition under 37 CFR 1.181 must be accompanied by copies of what is claimed to have been earlier submitted and evidence that those papers were submitted at an earlier point.

Applicant has submitted a copy of a postcard receipt identifying the instant application by application number, stamped 18 June 2004 and listing a declaration. This is adequate evidence that the listed item was received by the Office on 18 June 2004. Applicant indicates that the enclosed declaration is a true copy of the 18 June 2004 submission and the statement is signed by someone registered to practice before the Office. The declaration is accepted as having been received on 18 June 2004.

The declaration submitted on 18 June 2004 satisfies the requirements of 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notice of Abandonment (Form PCT/DO/EO/909) mailed 22 August 2005, is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) is 18 June 2004.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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

DENNEMEYER & COMPANY LTD.
REGENT HOUSE
HEATON LANE
STOCKPORT, CHESHIRE
ENGLAND SK4 1BB,
UNITED KINGDOM

Mail Date: 04/21/2010

Applicant	: Lorenz Muller	: DECISION ON REQUEST FOR
Patent Number	: 7636854	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/476,736	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1605** 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

DENNEMEYER & COMPANY LTD.
REGENT HOUSE
HEATON LANE
STOCKPORT, CHESHIRE
ENGLAND SK4 1BB,
UNITED KINGDOM

Mail Date: 04/22/2010

Applicant	: Lorenz Muller	: DECISION ON REQUEST FOR
Patent Number	: 7636854	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/476,736	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1605** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

31 MAR 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

Vinson & Elkins LLP
2300 First City Tower
1001 Fannin Street
Houston TX 77002-6760

In re Application of	:	
GILMORE et al.	:	
Application No.: 10/476,739	:	DECISION
PCT No.: PCT/US02/13868	:	
Int. Filing Date: 03 May 2002	:	
Priority Date: 03 May 2001	:	
Attorney Docket No.: SIG309/4-006US	:	
For: METHODS FOR ASSEMBLING	:	
PROTEIN MICROARRAYS	:	

This is a decision on applicants' "STATEMENT PURSUANT TO PCT RULE 4.15(b) EXPLAINING THE LACK OF A SIGNATURE FOR CO-APPLICANT MIKE HOGAN" filed in the United States Patent and Trademark Office (USPTO) on 03 November 2003, which has been treated as a petition under 37 CFR 1.47(a).

BACKGROUND

On 03 May 2002, applicants filed international application PCT/US02/13868, which designated the United States and claimed priority of an earlier application filed on 03 May 2001. A copy of the international application was communicated from the International Bureau to the USPTO on 14 November 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 03 November 2003.

On 03 November 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, a declaration of inventors, a "STATEMENT PURSUANT TO PCT RULE 4.15(b) EXPLAINING THE LACK OF A SIGNATURE FOR CO-APPLICANT MIKE HOGAN", a declaration of facts from David Jorden, a copy of a return receipt for a certified mailing from the USPS, a copy of a letter from Mr. Colby to the non-signing inventor Michael Hogan, a copy of a UPS Tracking Summary, and copies of several e-mails.

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.

As to item (1), the petition fee of $130 has been charged to Deposit Account 22-0365.

Items (3) and (4) have been satisfied.

Item (2) has not been satisfied. It is not clear whether it is being alleged that the nonsigning inventor refuses to execute the application or that he cannot be reached after diligent effort. A communication was sent via certified mail to Mr. Hogan's last known address on 23 May 2002. The return receipt indicates that the correspondence was delivered to that address on 28 May 2002. However, it is not clear whether Mr. Hogan resided at this address at the time. The signature on the return receipt is not that of Mr. Hogan. If a refusal to execute the application is being alleged, a *bona fide* attempt must be made to present all of the application papers to the non-signing inventor for signature. It does not appear that the description, claims, and drawings were included with this correspondence. (See paragraph 4 of the declaration of facts of David Jorden.) On 12 July 2002, a second communication was sent to Mr. Hogan's last known address via UPS. This communication appears to have included a copy of all of the application papers. (See letter from Mr.Colby to Mr. Hogan dated 12 July 2002.) A UPS Tracking Summary indicates that the correspondence was delivered on 15 July 2002. Again, however, it is not clear whether Mr. Hogan resided at this address at the time. Regarding the communications sent via e-mail, it is not clear whether any of these were received or opened by Mr. Hogan. Accordingly, it is not clear if the inventor is no longer at this address and his whereabouts are unknown, or if he simply received the mailings and did not respond. If the mailings were received and the inventor did not respond, then a refusal to execute the application would likely need to be established. See MPEP § 409.03(d). If it is being alleged that the inventor cannot be reached or found, copies of documentary evidence such as certified mail return receipt that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. Also, if it is being alleged that the nonsigning inventor cannot be found or reached, efforts made to locate him, such as finding a forwarding address or telephone number, should be discussed in the next petition.

Also, the declaration filed 03 November 2003 fails to comply with 37 CFR 1.497(a)-(b). The declaration contains two first pages and two second pages. Each page is signed by one inventor. However, each executed declaration must be complete. It is not clear that each inventor was presented with a complete declaration for signing. For example, James Gilmore may have only been presented with the first page of the declaration and Sunny Tam may have only been presented with the second page of the declaration. Consequently, a new oath(s) or declaration(s) properly identifying all of the inventors and signed by all of the inventors, with the exception of any unavailable inventors under 37 CFR 1.47, is required.

CONCLUSION

For the above reasons, applicants' 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. 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(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

A new oath(s) or declaration(s) properly identifying all of the inventors and signed by all of the inventors, with the exception of any unavailable inventors under 37 CFR 1.47, is required within TWO (2) MONTHS of the mail date of this decision. The surcharge of $130 under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date is also required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (703) 308-2066
Facsimile: (703) 308-6459

14 JAN 20

#7

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

In re Application of	:	
GILMORE et al.	:	
Application No.: 10/476,739	:	DECISION
PCT No.: PCT/US02/13868	:	
Int. Filing Date: 03 May 2002	:	
Priority Date: 03 May 2001	:	
Attorney Docket No.: SIG309/4-006US	:	
For: METHODS FOR ASSEMBLING	:	
PROTEIN MICROARRAYS	:	

This is a decision on applicants' "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)" filed in the United States Patent and Trademark Office (USPTO) on 20 August 2004 and on applicants' submission filed via facsimile transmission on 28 October 2004, which has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 03 May 2002, applicants filed international application PCT/US02/13868, which designated the United States and claimed priority of an earlier application filed on 03 May 2001. A copy of the international application was communicated from the International Bureau to the USPTO on 14 November 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 03 November 2003.

On 03 November 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, a declaration of inventors, a "STATEMENT PURSUANT TO PCT RULE 4.15(b) EXPLAINING THE LACK OF A SIGNATURE FOR CO-APPLICANT MIKE HOGAN", a declaration of facts from David Jorden, a copy of a return receipt for a certified mailing from the USPS, a copy of a letter from Mr. Colby to the non-signing inventor Michael Hogan, a copy of a UPS Tracking Summary, and copies of several e-mails.

On 31 March 2004, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a) without prejudice. Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been

provided. The decision also indicated that a new oath or declaration of inventors was required.

On 20 August 2004, applicants submitted the instant "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)", which was accompanied by, *inter alia*, a declaration of inventors signed by the previously non-signing inventor Mr. Hogan and a statement of facts by Gary D. Colby.

On 28 October 2004, applicants submitted a "POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST, REVOCATION OF PRIOR POWERS AND PERMITS TO INSPECT, CHANGE OF CORRESPONDENCE ADDRESS AND CERTIFICATE UNDER 37 CFR 3.73(b)" along with a date-stamped postcard receipt. This submission has been treated as a petition under 37 CFR 1.181.

DISCUSSION

Petition Under 37 CFR 1.181

The petition under 37 CFR 1.181 in effect requests that the copy of the "POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST, REVOCATION OF PRIOR POWERS AND PERMITS TO INSPECT, CHANGE OF CORRESPONDENCE ADDRESS AND CERTIFICATE UNDER 37 CFR 3.73(b)" filed with the 28 October 2004 submission be accepted as having been received in the USPTO on 13 April 2004.

The original "POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST, REVOCATION OF PRIOR POWERS AND PERMITS TO INSPECT, CHANGE OF CORRESPONDENCE ADDRESS AND CERTIFICATE UNDER 37 CFR 3.73(b)" has now been matched with the application file. Accordingly, the petition under 37 CFR 1.181 is MOOT.

Petition Under 37 CFR 1.47(a)

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the renewed petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

Declaration

The declaration filed 20 August 2004 is not in compliance with 37 CFR 1.497(a)-(b). First, the statement of facts by Gary D. Colby indicates that his practice was to create a single, complete declaration by combining the individual signature pages executed by the inventors and to submit this single declaration to the USPTO or other appropriate patent authority. However, a copy of the entire declaration submitted to each applicant for signing must be provided. Each executed declaration must identify all of the inventors and the citizenship of all of the inventors. Each submitted declaration must be complete, even if executed by only one of the inventors. Second, the declaration fails to adequately identify the application which is being executed as far

as inventor Hogan is concerned. MPEP § 602, item VI, identifies the combinations of information for identifying the specification which are required in an oath or declaration filed after the filing date of the application. None of the combinations of information required have been provided with the declaration having the signature of Mr. Hogan submitted 20 August 2004.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 is **DISMISSED** as **MOOT**.

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

A new oath(s) or declaration(s) properly identifying all of the inventors and signed by all of the inventors is required within TWO (2) MONTHS of the mail date of this decision. The surcharge of $130 under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date is also required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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

MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

Applicant	: Timothy John Andrew Finnigan	: DECISION ON REQUEST FOR
Patent Number	: 7635492	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/476,751	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **955** 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

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Christer Zatterqvist	: DECISION ON REQUEST FOR
Patent Number	: 7600477	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/476,757	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/19/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **411** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

COPY MAILED
JAN 0 9 2006
OFFICE OF PETITIONS

In re Application of
Torbjorn Hamrelius, et al.
Application No. 10/476,760
Filed: November 5, 2003
Attorney Docket No.: 1501-1226

ON PETITION

This is a decision on the petition, filed January 9, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 11, 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 2878 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

JAN 0 9 2006

OFFICE OF PETITIONS

Date : January 9, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Torbjorn Hamrelius, et al.
Application No. : 10/476,760
Filed : November 5, 2003

The above-identified application has been assigned Patent No. 6,984,824 and an issue date of January 10, 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 January 10, 2006:

> "All reference to Patent No. 6,984,824 to TORBJORN HAMRELIUS, ET AL. of SWEDEN for HANDHELD INFRARED CAMERA appearing in the Official Gazette of January 10, 2006, should be deleted since no patent was granted."

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

cc: Paul Harrison, Crystal Park 3-44l (FAX-306-2737)
Deneise Boyd, Crystal Park 2, Suite 1100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-9l0 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane K.Davis, P/OCS, CM1-6A07
Tamara K. Greene, PK3-910

05 JUL 2005

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Don W. Bulson
Renner Otto Boisselle & Sklar
1621 Euclid Avenue, 19th Floor
Cleveland, OH 44115

In re Application of PRISCOTT, et al. Application No.: 10/476,807 PCT No.: PCT/AU02/00562 Int. Filing Date: 07 May 2002 Priority Date: 04 May 2001 Atty. Docket No.: CULLP0180US Re: AN ACCESSORY FOR SUPPORTING A SHADING DEVICE	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 27 June 2005 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" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided a compliant, executed combined declaration and power of attorney of the inventors. 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. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 07 May 2002 under 35 U.S.C. 363 and will be given a date of **27 June 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVEVLAND OH 44114

MAILED

JUL 09 2009

OFFICE OF PETITIONS

In re Application of	:	
DUFFELL et al.	:	DECISION ON PETITION
Application No. 10/476,810	:	UNDER 37 CFR 1.137(b)
Filed: 04/14/2004	:	
Attorney Docket No. MCI-6852	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 4, 2009, to revive the above-identified application.

This application became abandoned for failure to reply properly and timely to the final Office Action mailed on April 30, 2008, which set a three (3) month shortened statutory period to reply. No extensions of this time period were obtained. Accordingly, this application became abandoned on July 31, 2008. A Notice of Abandonment was mailed on January 8, 2009.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of a Request for Continued Examination and submission, paid the petition fee, and made the proper statement of unintentional delay.

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

This matter is being referred to Technology Center Art Unit 2431 for appropriate action on the reply filed on February 4, 2009.

Telephone inquiries should be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

29 APR 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

Julia Church Dierker
DIERKER & ASSOCIATES, P.C.
3331 W. Big Beaver Road, Suite 109
Troy, Michigan 48084-2813

In re Application of	:	DECISION ON
Schafer et al	:	
Application No.: 10/476,811	:	
International App. No.: PCT/EP02/00932	:	
Int. Filing Date: 30 January 2003	:	
Priority Date: 02 March 2002	:	REQUEST UNDER
Attorney's Docket No.: DFS-101-A	:	
For: DISTRACTIBLE VERTEBRAL COLUMN	:	
IMPLANT AND DISTRACTING TOOL	:	37 CFR 1.497(d)

This is a decision on applicants' "REQUEST FOR CORRECTION OF INVENTORSHIP UNDER 1.497(d)" filed on 18 January 2005, which is being treated as a request under 37 CFR 1.497(d) naming additional inventor, Ulf Liljenqvist, in the executed declaration. The $130.00 processing fee has been charged to Deposit Account No. 50-2100.

BACKGROUND

On 30 January 2003, applicants filed international application No. PCT/EP02/00932 and claiming a priority date of 02 March 2002.

On 03 November 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 executed oath or declaration was filed at such time.

On 05 April 2004, 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 executed 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 CFR 1.66 or 37 CFR 1.68. The notice also indicated that the items set forth above must be submitted within two (2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 15 April 2004, applicants filed a second Transmittal Letter that included an executed declaration.

On 03 May 2004, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 USC 371 AND 37 CFR 1.495" indicating that the 371(c)(1), (c)(2), and (c)(4) date is 15 April 2004.

On 18 January 2005, applicants filed a second executed declaration which included an additional inventor, and a request for correction of inventorship under 1.497(d) to add Ulf Liljenqvist to the declaration.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
(2) the fee set forth in § 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).

A review of the application file reveals that applicants have satisfied items (1) - (2) under 37 CFR 1.497(d) but not requirement (3).

With respect to item (1), the statement submitted 18 January 2005 by Ulf Liljenqvist is sufficient because the statement states that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of $130.00 has been charged to the Deposit Account.

With respect to item (3), the assignee, Bernd Schafer, consents to the addition Ulf Liljenqvist. However, there is no copy of the executed assignment to the assignee in the file. To establish the right of the Assignee to take action, applicants must submit a copy of the executed assignment or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. The proper reply is either a proper request under 37 CFR 1.497(d) overcoming the above stated defects. The failure to provide the proper reply will result in Abandonment of the application. Any reconsideration

request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". 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: (571) 272-3276
Facsimile: (571) 273-0459

15 JUN 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

Julia Church Dierker
DIERKER & ASSOCIATES, P.C.
3331 W. Big Beaver Road, Suite 109
Troy, Michigan 48084-2813

In re Application of	:	DECISION ON
Schafer et al	:	
Application No.: 10/476,811	:	
International App. No.: PCT/EP02/00932	:	
Int. Filing Date: 30 January 2003	:	
Priority Date: 02 March 2002	:	REQUEST UNDER
Attorney's Docket No.: DFS-101-A	:	
For: DISTRACTIBLE VERTEBRAL COLUMN	:	
IMPLANT AND DISTRACTING TOOL	:	37 CFR 1.497(d)

This is a decision on applicants' "RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 03 June 2005.

BACKGROUND

In a decision from this Office mailed on 29 April 2005, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 03 June 2005, applicants filed the current communication, which included, *inter alia*, a copy of the assignment from Ulf Liljenqvist to Bern Schafer.

DISCUSSION

A review of the renewed request reveals that applicants has not satisfied item (3) of 37 CFR 1.497(d).

In regard to item (3), applicants have filed a copy of the assignment from Ulf Liljenqvist to Bern Schafer but there is no copy of the assignments from Thilio Trautwein to Bern Schafer thus not establishing Bern's right to take action under 37 CFR §3.73(b). To establish the right of the Assignee to take action, applicants must submit a copy of all executed assignments or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b).

Accordingly, the requests are deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. The proper reply is either a proper request under 37 CFR 1.497(d) overcoming the above stated defects. Any reconsideration request should include a cover letter entitled "Second Renewed Request Under 37 CFR 1.497(d)". 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 Baeares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-3276

06 JUL 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

Julia Church Dierker
DIERKER & ASSOCIATES, P.C.
3331 W. Big Beaver Road, Suite 109
Troy, Michigan 48084-2813

In re Application of	:	DECISION ON SECOND
Schafer et al	:	
Application No.: 10/476,811	:	
International App. No.: PCT/EP02/00932	:	
Int. Filing Date: 30 January 2003	:	REQUEST UNDER
Priority Date: 02 March 2002	:	
Attorney's Docket No.: DFS-101-A	:	
For: DISTRACTIBLE VERTEBRAL COLUMN	:	
IMPLANT AND DISTRACTING TOOL	:	37 CFR 1.497(d)

This is a decision on applicants' "SECOND RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 28 June 2005.

BACKGROUND

In a decision from this Office mailed on 15 June 2005, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d). The assignee, Bern Schafer, had neither a copy of the executed assignment in the file or the reel and frame number so he needed to establish the right to take action under 37 CFR 3.73(b).

On 28 June 2005, applicants filed the current request, which included, *inter alia*, a copy of the assignment of the patent application to Bern Schafer from Thilio Trautwein.

DISCUSSION

A review of the renewed request reveals that applicant has satisfied item (3) of 37 CFR 1.497(d). In regard to item (3), Mr. Schafer has submitted a copy of the assignment showing that he is the assignee of the above application and has establish his right to take action under 37 CFR §3.73(b).

Accordingly, applicant is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 03 May 2004 is **VACATED** with the mailing of this decision.

The 35 USC 371 (c)(1), (c)(2), and (c)(4) date of this application is **18 January 2005**.

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

06 JUN 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

William F. Lawrence
Frommer Lawrence & Huag
745 Fifth Avenue
New York, New York 10151

In re Application of
Heinrich Thoing :
Application No.: 10/476,815 :
PCT No.: PCT/EP02/04179 : DECISION ON PETITION
Int. Filing Date: 16 April 2002 :
Priority Date: 05 May 2001 :
Atty. Docket No.: 512100-2033 :
For: GROUPING OF FILM-LIKE OR SHEET-LIKE MATERIALS :

This decision is in response to applicant's "Correction of English Language Translation Submitted under 35 U.S.C 371(c)(2) and Payment of Fee under 37 CFR 1.492(i)" filed in the United States Patent and Trademark Office on 14 April 2006, which is being treated as a Petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 16 April 2002, applicant filed international application PCT/EP02/04179 which claimed a priority date of 05 May 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 14 November 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, 05 November 2003.

On 03 November 2003, applicant 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; and an executed declaration.

On 25 July 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 03 November 2003.

On 14 April 2006, applicant filed a "Correction of English Language Translation Submitted under 35 U.S.C 371(c)(2) and Payment of Fee under 37 CFR 1.492(i)."

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 2004. Applicant states in the "Amendment under 37 CFR 1.111 and Request for Interview" dated 09 November 2005 that the term 'Vierandsiegelbeutel' was incorrectly translated in the English translation of the international application submitted 03 November 2003. The correct translation of 'Vierandsiegelbeutel' should read 'four side sealed bags' not 'rectangular sealed bag.' Since the translation of the international application filed 03 November 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 2004 is vacated.

With the filing of the new translation of International PCT application PCT/EP02/04179 on 14 April 2006, the above-identified application will be given an international filing date of 16 April 2002 under 35 U.S.C. 363, and a date of 14 April 2006 under 35 U.S.C. 371(c)(1), (c)(2), and(c)(4).

Deposit Account no. 50-0320 will be charged a $130.00 processing fee under 37 CFR 1.492(i) 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 14 April 2006, 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 2004 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 14 April 2006 under U.S.C. 371 371(c)(1), (c)(2), and(c)(4).

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOVARTIS
CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 104/3
EAST HANOVER NJ 07936-1080

COPY MAILED

JAN 3 1 2005

OFFICE OF PETITIONS

Applicant: Bruns et al.
Appl. No.: 10/476,817
International Filing Date: May 15, 2002
Title: COMBINATION COMPRISING N-{5-[4-(4-METHYL-PIPERAZINO-METHYL)-BENZOYLAMIDO]-2-METHYLPHENYL}-4-(3-PYRIDYL)-2PYRIMIDINE-AMINE AND A CHEMOTHERAPEUTIC AGENT
Attorney Docket No.: 4-31994A
Pub. No.: US 2004/0167134 A1
Pub. Date: August 26, 2004

This is in response to the request for correction of patent application publication under 37 CFR 1.221(b), which was filed on September 27, 2004.

The request is DISMISSED.

The instant request is that the application be republished because the patent application publication contains a typographical error on the front page of the publication as the title of the invention "COMBINATION COMPRISING N-{5-[4-(4-METHYL-PIPERAZINO-METHYL)-BENZOYLAMIDO]-2-METHYLPHENYL}-4-(3-PYRIDYL)-2PYRIMIDINE-AMINE AND A CHEMOTHERAPEUTIC AGENT" is missprinted as "COMBINATION COMPRISING N-4-(3-PYRIDYL)-2PYRIMIDINE-AMINE AND A CHEMOTHERAPEUTIC AGENT."

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1] The instant request does not identify a material mistake in the publication made by the Office:

The typographical error on the front page of the patent application publication, wherein the title of the invention "COMBINATION COMPRISING N-{5-[4-(4-METHYL-PIPERAZINO-

[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).

METHYL)-BENZOYLAMIDO]-2-METHYLPHENYL}-4-(3-PYRIDYL)-2PYRIMIDINE-AMINE AND A CHEMOTHERAPEUTIC AGENT" is missprinted as "COMBINATION COMPRISING N-4-(3-PYRIDYL)-2PYRIMIDINE-AMINE AND A CHEMOTHERAPEUTIC AGENT" is an Office mistake, but it is not a material error under 37 CFR 1.221(b). The mistake is a typographical 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 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), must 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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/17/2006

TO SPE OF : ART UNIT 1700 (1712)

SUBJECT : Request for Certificate of Correction on Patent No.: 6,984,707

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 change dependency from 4 to 3 in claim 5 as requested 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:

RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

SPE

1712
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

K&L GATES LLP
STATE STREET FINANCIAL CENTER
ONE LINCOLN STREET
BOSTON MA 02111-2950

COPY MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Thomas P. BANCROFT	:	
Application No. 10/476,865	:	DECISION ON PETITION
Filed: April 29, 2004	:	
Attorney Docket No. **KNN-008**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 07, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of May 30, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is December 01, 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 $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office Action of March 30, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2783.

This application is being referred to Technology Center AU 2837 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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
Suite 400
Washington DC 20005

COPY MAILED

FEB 05 2009

OFFICE OF PETITIONS

In re Patent No. 7,382,404	:	
YAMAMOTO et al.	:	DECISION ON REQUEST
Issue Date: June 3, 2008	:	FOR RECONSIDERATION OF
Application No. 10/476,888	:	PATENT TERM ADJUSTMENT
Filed: November 14, 2003	:	AND NOTICE OF INTENT TO ISSUE
Attorney Docket No. 031271	:	CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN THE PATENT PURSUANT TO 37 C.F.R §1.705(d)," filed July 2, 2008. Patentees request that the Patent Term Adjustment for the above-identified patent be set at 881 days.

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

Patentees are given TWO (2) MONTHS from the mail date of this decision to respond. No extensions of time will be granted under 37 CFR 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 **793 days**.

On June 3, 2008, the above-identified application matured into U.S. Patent No. 7,382,404. The instant request for reconsideration was timely filed on July 2, 2008. The patent issued with a revised Patent Term Adjustment of 793 days.

Patentees assert that no circumstances existed that constituted a failure of patentees to engage in reasonable efforts to conclude processing or examination of the application. Specifically, patentees dispute the reduction of 88 days for the filing of drawings on January 29, 2008. Patentees explain that on December 3, 2007, the Office mailed a Notice of Allowability which included an Examiner's Amendment requiring applicants to make drawing changes approved by the examiner and agreed upon by applicants to avoid abandonment of the application. Patentees argue that they should not have been assessed a delay of 88 days pursuant to 37 CFR 1.704(b) because they filed a reply in the form of one sheet of replacement drawings within three months from the mail date of the Notice of Allowability.

The Office has reviewed the entry of the reduction of 88 days and found it to be correct. Patentees acknowledge submitting one sheet of replacement drawings after the mailing of the Notice of Allowance. Patentees are advised that under the circumstances of this application, the filing of the replacement drawing after the mailing of a Notice of Allowance is a proper basis for reduction of patent term adjustment under 37 CFR 1.704(c)(10), not 37 CFR 1.704(b).

37 CFR 1.704(c)(10) provides that:

> Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:
>
> (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;
>
> or
>
> (ii) Four months;

By Notice entitled *Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance*, 1247 OG 111 (June 26, 2001), the Director set forth examples of papers deemed not to cause substantial interference and delay in the patent issue process. The formal drawings were not identified in this Notice. Other than those papers identified in this Notice, all papers filed after allowance of an application substantially delay the Office's ability to process an application for a patent because the Office does not wait until payment of the issue fee to begin the patent issue process. As a result, 37 CFR 1.704(c)(10) does not distinguish between papers that are and are not required by the Office. Filing of any drawings after allowance will be treated as a failure to engage in reasonable efforts to conclude prosecution.

In this instance, it is undisputed that drawings were filed after the mailing of the Notice of Allowance. Accordingly, the patent term adjustment was properly reduced pursuant to 37 CFR 1.704(c)(10) by 88 days, counting the number of days beginning on the date the replacement drawing was filed, January 29, 2008, and ending on the mailing date of the Office action or notice in response to the drawing, April 25, 2008. Thus, the period of reduction of 88 days is warranted and will not be removed.

Additionally, a review of the application history reveals that Office incorrectly used the date of November 14, 2003, instead of November 16, 2003 (the date of completion of all 35 U.S.C. 371 requirements) in determining the period of adjustment under 37 CFR 1.702(a)(1).

Pursuant to 37 CFR 1.703(a)(1), the period of adjustment of patent term due to the failure of the Office to take action within a specified time frame 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 fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 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[.]

Accordingly, the date of completion of November 16, 2003, and not November 14, 2003, should have been used in calculating the period of adjustment of the patent term under 37 CFR 1.702(a)(1).[1]

On June 14, 2007, the Office mailed a nonfinal Office action in excess of fourteen months after the date of completion of all 35 U.S.C. 371 requirements. Thus, the Office should have been assessed a delay of 879 days (instead of 881 days), the number of days beginning on the date that is fourteen months after the date after completion of all 35 U.S.C. 371 requirements, January 17, 2005, and ending on date of mailing of the nonfinal Office action, June 14, 2007. The period of adjustment of 881 days will be removed and a period of adjustment of 879 days will be entered pursuant to 37 CFR 1.702(a)(1).

---

[1] The Office notes:

> The Office is interpreting the phrase "actual filing date of the application in the United States" in 35 U.S.C. 154(b)(1)(B) to mean the date the national stage commenced under 35 U.S.C. 371(b) or (f) in the case of an international application. The Office originally interpreted the phrase "actual filing date of the application in the United States" in 35 U.S.C. 154(b)(1)(B) to mean the international filing date of the application under PCT Article 11(3) and 35 U.S.C. 363 in the case of an international application. *See Changes to Implement Patent Term Adjustment Under Twenty-Year Patent Term, 65 FR at 17220, 1233 Off. Gaz. Pat. Office at 113.* Further consideration of this position, however, leads to the conclusion that: (1) the interpretation of the phrase "actual filing date of the application in the United States" in 35 U.S.C. 154(b)(1)(B) to be the filing date of the international application under PCT Article 11(3) and 35 U.S.C. 363 in the case of an international application is inconsistent with the legislative history of 35 U.S.C. 154(b)(1)(B) and is incongruous with the provisions of 35 U.S.C. 154(b)(1)(A)(i)(II) and (B)(iii); and (2) the phrase "actual filing date of the application in the United States" in 35 U.S.C. 154(b)(1)(B) must mean the date the national stage commenced under 35 U.S.C. 371(b) or (f) in the case of an international application.

Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term; Final Rule, Response to Comment 31, 65 FR 5636 (Sept. 18, 2000), 1239 Off. Gaz. Pat. Office 63 (Oct. 3, 2000).

Lastly, the record reveals that patentees should have been assessed a delay under 37 CFR 1.704(c)(8) for submission of a supplemental reply or paper after an initial reply had been filed without the express request of the examiner.

37 CFR 1.704(c)(8) provides that:

> 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, 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 the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed[.]

On September 24, 2007, applicants submitted a Supplemental Amendment after filing a reply to the nonfinal Office action on September 14, 2007. The record does not support a conclusion that the examiner expressly requested the filing of the Supplemental Amendment. Thus, it is a proper basis for reduction of patent term. In accordance 37 CFR 1.704(c)(8), the period of adjustment of the term of the patent should have been reduced by 10 days, the number of days beginning on the day after the date the initial reply was filed, September 15, 2007, and ending on the date that the supplemental reply or paper was filed, September 24, 2007.

In view thereof, the patent term adjustment indicated in the patent should be **781 days** (879 days of Office delay - 98 days (10 + 88) of applicant delay).

The Office will charge the $200.00 fee set forth in 37 CFR 1.18(e) to the Deposit Account as authorized. No additional fee is required.

This matter is being referred 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 **781 days**.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

Day : Wednesday

PALM INTRANET

Date: 2/4/2009
Time: 19:45:49

PTA Calculations for Application: 10/476888			
Application Filing Date:	11/14/2003	PTO Delay (PTO):	881
Issue Date of Patent:	06/03/2008	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	88
Post-Issue Petitions:	0	Total PTA (days):	781
PTO Delay Adjustment:	-12		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
52	02/04/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		10	
51	02/04/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	879		
50	02/04/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		881	
46.5	05/14/2008	PTA 36 MONTHS			
46	06/03/2008	PATENT ISSUE DATE USED IN PTA CALCULATION			
45	05/05/2008	EXPORT TO FINAL DATA CAPTURE			
44	05/02/2008	DISPATCH TO FDC			
43	05/02/2008	APPLICATION IS CONSIDERED READY FOR ISSUE			
42	02/11/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
41	04/25/2008	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
40	04/24/2008	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
39	02/11/2008	PUBS CASE REMAND TO TC			
38	02/26/2008	ISSUE FEE PAYMENT VERIFIED			
37	01/29/2008	WORKFLOW - DRAWINGS FINISHED		88	41
36	02/26/2008	ISSUE FEE PAYMENT RECEIVED			
35	01/29/2008	WORKFLOW - DRAWINGS FINISHED		0	41
34	02/11/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
33	01/16/2008	FINISHED INITIAL DATA CAPTURE			
32	12/07/2007	EXPORT TO INITIAL DATA CAPTURE			
31	12/03/2007	MAIL NOTICE OF ALLOWANCE			
30	12/03/2007	MAIL EXAMINER'S AMENDMENT			
29	11/30/2007	ISSUE REVISION COMPLETED			

28	11/30/2007	DOCUMENT VERIFICATION			
27	11/30/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
26	11/26/2007	EXAMINER'S AMENDMENT COMMUNICATION			
25	11/26/2007	NOTICE OF ALLOWABILITY			
24	09/20/2007	DATE FORWARDED TO EXAMINER			
23	09/14/2007	RESPONSE AFTER NON-FINAL ACTION			
22	06/14/2007	MAIL NON-FINAL REJECTION	881		-1
21	06/11/2007	NON-FINAL REJECTION			
20	06/11/2007	CASE DOCKETED TO EXAMINER IN GAU			
19	06/07/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
18	11/14/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
17	01/25/2007	CASE DOCKETED TO EXAMINER IN GAU			
16	12/19/2006	CASE DOCKETED TO EXAMINER IN GAU			
15	11/14/2006	CASE DOCKETED TO EXAMINER IN GAU			
14	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
13	02/23/2006	MISCELLANEOUS INCOMING LETTER			
12	02/22/2006	CASE DOCKETED TO EXAMINER IN GAU			
11	07/19/2005	MISCELLANEOUS INCOMING LETTER			
10	03/17/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
9	03/17/2005	CASE DOCKETED TO EXAMINER IN GAU			
8.7	06/07/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	06/07/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
7	11/14/2003	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
6.7	11/14/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	11/14/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	09/03/2004	CLEARED BY OIPE CSR			
4	11/16/2003	371 COMPLETION DATE			
3	07/20/2004	APPLICATION DISPATCHED FROM OIPE			
2	07/20/2004	NOTICE OF DO/EO ACCEPTANCE MAILED			
1	11/14/2003	INITIAL EXAM TEAM NN			

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : : 7,382,404 B2

DATED : **June 3, 2008** **DRAFT**

INVENTOR(S) : Yamamoto 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 793 days

Delete the phrase "by 793 days" and insert – by 781 days--

0 7 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

James A. Oliff
Oliff & Berridge, PLC
P.O. Box 19928
Alexandria, VA 22320

In re Application of KITANI, et al. Application No.: 10/476,891 PCT No.: PCT/JP03/06448 Int. Filing Date: 23 May 2003 Priority Date: 28 May 2002 For: BI-ASPHERICAL TYPE PROGRESSIVE POWER LENS	DECISION ON PETITION UNDER 37 CFR 1.181

This decision is in response to applicant's "Petition Under 37 CFR §1.181" filed 01 December 2004, requesting that the United States Patent and Trademark Office (USPTO) correct the 371(c) date for the above captioned application.

BACKGROUND

On 30 June 2004, applicant was mailed a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) indicating a 35 U.S.C. 371 date of 16 June 2004.

On 01 December 2004, applicant filed the present petition claiming that the 371 requirements were satisfied on 26 November 2003.

DISCUSSION

Applicant has provided a legible copy of the receipt postcard which shows a USPTO date stamp, "OIPE Patent & Trademark Office JC34 NOV 26 2003" and clearly identifies, "PCT TRANS, DEC" as well as listing applicants, serial number and attorney docket number. The evidence is sufficient to establish that the combined declaration and power of attorney for this application was received in the USPTO on 26 November 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 26 November 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 23 May 2003 under 35 U.S.C. 363 and a date of **26 November 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 30 June 2004 indicating a date of 16 June 2004 under 35 U.S.C. 371(c) is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5-15-09 Paper No.: _____

TO SPE OF : ART UNIT 3673

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/476845 Patent No.: 7192095

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

FOR IFW FILES: Should COFC be Approved

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

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

FOR PAPER FILES:

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

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

Ennis Young
Certificates of Correction Branch
703-756-1542

Thank You For Your Assistance

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

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

Comments: _____

DAVID BAGNELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

SPE — Art Unit 3672

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ORGANON USA, INC.
c/o Schering-Plough Corporation
2000 Galloping Hill Road
Mail Stop: K-6-1, 1990
Kenilworth NJ 07033

MAILED

FEB 02 2009

OFFICE OF PETITIONS

In re Application of	:	
Gossen et al.	:	LETTER REGARDING
Application No. 10/476,899	:	PATENT TERM ADJUSTMENT
Filed: November 3, 2003	:	
Attorney Docket No. O 2001.645 US	:	

This letter is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT DETERMINATION," filed September 2, 2008. Pursuant to applicants' duty of good faith and candor to the Office, applicants request that the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the determination of patent term adjustment is **GRANTED** to the extent indicated herein.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is **zero (0) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On June 2, 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 5 days. On September 2, 2008, applicants submitted the instant comment.

Applicants request that the Office review the accuracy of the initial determination of patent term adjustment in view of the filing of the Supplemental Information Disclosure Statement (IDS) on January 19, 2007. Applicants disclose that they believe that the filing of the Supplemental IDS may result in an

additional period of reduction of 8 days pursuant to 37 CFR 1.704(c)(8).

A review of the application history reveals that applicants are correct that the period of adjustment of the term of the patent should have been reduced for the filing of the Supplemental IDS on January 19, 2007, after the mailing of the notice of allowance. However, applicants are incorrect that a period of reduction of 8 days should be entered pursuant to 37 CFR 1.704(c)(8) for the submission of the Supplemental IDS. As the Supplemental IDS was filed after the mailing of the notice of allowance, the basis for entry of a period of reduction is 37 CFR 1.704(c)(10).

37 CFR 1.704(c)(10) provides:

> Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:
>
> (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;
>
> or
>
> (ii) Four months;

In this instance, it is undisputed that applicants filed the Supplemental IDS after the mailing of the notice of allowance. The Office responded to the Supplemental IDS on May 11, 2007. Thus, the period of adjustment should have been reduced by the lesser period of 113 days, beginning on the date the Supplemental IDS was filed, January 19, 2007, and ending on the mailing date of the Office action or notice in response to the IDS, May 11, 2007. Accordingly, a period of reduction of 113 days will be entered.

Further, a review of the record reveals that the period of adjustment set forth in 37 CFR 1.703 should have been reduced

for applicant delay in filing a reply to the final Office action under 37 CFR 1.704(b).

Pursuant to 37 CFR 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.

In this instance, the Office mailed a final Office action on July 5, 2006. On December 5, 2006, applicants filed a reply in compliance with 37 CFR 1.113(c) in excess of the three-month period from the mail date of the final Office action. Thus, applicants failed to engage in reasonable efforts to conclude prosecution of this application. Accordingly, the period of adjustment set forth in 37 CFR 1.703 should have been reduced by 61 days (not 98 days), counting the number of days in the period beginning on the day after the date that is three months after the date of mailing of the final Office action, October 6, 2006, and ending on the date the reply in compliance with 37 CFR 1.113(c) was filed, December 5, 2006. See 37 CFR 1.704(b).

It is noted that the Office incorrectly calculated the period of reduction under 37 CFR 1.704(b) as 98 days, counting the number of days beginning on the day after the date that is three months after the date of mailing of the final Office action, October 6, 2006, ending on the date the RCE was filed, January 11, 2007.

Accordingly, the period of reduction of 98 days will be removed and a period of reduction of 61 days will be entered.

Rather, with respect to the RCE, applicants should have been assessed a delay under 37 CFR 1.704(c)(8) for submission of a supplemental reply or paper after a reply had been filed without the express request of the examiner.

Pursuant to 37 CFR 1.704(c)(8):

> 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, 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 the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed[.]

On January 11, 2007, applicants submitted a RCE, an amendment and an IDS after filing a reply in compliance with 37 CFR 1.113(c) on December 5, 2006. The record does not support a conclusion that the examiner expressly requested the filing of the RCE, amendment or IDS. Further, a review of the IDS, filed January 11, 2007, reveals that applicants did not include a statement under 37 CFR 1.704(d).[1] Accordingly, the period of adjustment set forth in 37 CFR 1.703 should have been reduced by 37 days, the number of days beginning on the day after the date the reply was filed, December 6, 2006, and ending on the date that the RCE, amendment and IDS were filed, January 11, 2007.

---

[1] Pursuant to 37 CFR 1.704(d):

> A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

It is noted that the filing of the RCE, the filing of the amendment, and the filing of the IDS on January 11, 2007, are three separate acts, each of which constitutes a failure to engage in reasonable efforts to conclude prosecution of the application. As the periods of reduction for the filing of the RCE, the filing of the amendment, and the filing of the IDS completely overlap, only one period of reduction of 37 days is being entered.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is **zero (0) days** (192 days of Office delay - 300 days (88 + 61 + 113 + 37 + 1) of applicant delay).

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 as set forth in 37 CFR 1.18(e). The Office thanks applicants for applicants' good faith and candor in bringing this to the attention of the Office.

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 issuance of the patent and applicants will be notified 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. The application is, thereby, forwarded for issuance of the patent.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen

PALM INTRANET

Day : Monday
Date: 2/2/2009
Time: 10:54:35

PTA Calculations for Application: 10/476899			
Application Filing Date:	11/03/2003	PTO Delay (PTO):	192
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	187
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-113		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
95	02/02/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		61	
94	02/02/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		37	
93	02/02/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	98		
92	02/02/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		113	
84	06/02/2008	MAIL NOTICE OF ALLOWANCE			
83	06/02/2008	ISSUE REVISION COMPLETED			
82	06/02/2008	DOCUMENT VERIFICATION			
81	06/02/2008	EXAMINER'S AMENDMENT COMMUNICATION			
80	06/02/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
79	06/02/2008	CASE DOCKETED TO EXAMINER IN GAU			
78	06/02/2008	NOTICE OF ALLOWABILITY			
72	05/09/2008	DATE FORWARDED TO EXAMINER			
71	04/18/2008	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
70	05/09/2008	DATE FORWARDED TO EXAMINER			
69	04/18/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)			
68	05/09/2008	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
67	04/18/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
66	04/18/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
65	01/02/2008	NOTICE OF APPEAL FILED		1	59
64	01/03/2008	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
63	12/28/2007	MAIL ADVISORY ACTION (PTOL - 303)			
62	12/26/2007	ADVISORY ACTION (PTOL-303)			

61	12/06/2007	DATE FORWARDED TO EXAMINER			
60	11/29/2007	AMENDMENT AFTER FINAL REJECTION			
59	10/01/2007	MAIL FINAL REJECTION (PTOL - 326)			
58	09/27/2007	FINAL REJECTION			
57	08/28/2007	DOCUMENT VERIFICATION			
54	07/18/2007	DATE FORWARDED TO EXAMINER			
53	07/11/2007	RESPONSE AFTER NON-FINAL ACTION			
52	06/05/2007	CORRESPONDENCE ADDRESS CHANGE			
51	05/11/2007	MAIL NON-FINAL REJECTION			
50	05/10/2007	NON-FINAL REJECTION			
49	01/19/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
48	01/11/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
47	04/09/2007	DATE FORWARDED TO EXAMINER			
46	01/11/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
45.7	01/11/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	43
45	01/11/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	04/09/2007	DATE FORWARDED TO EXAMINER			
43	01/11/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)		98	28
42	04/09/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
41	02/26/2007	FINISHED INITIAL DATA CAPTURE			
40.7	01/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
40	01/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
39	01/29/2007	SEQUENCE FORWARDED TO PUBS ON TAPE			
38	01/19/2007	EXPORT TO INITIAL DATA CAPTURE			
37	01/12/2007	MAIL NOTICE OF ALLOWANCE			
36	01/11/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
35	01/09/2007	ISSUE REVISION COMPLETED			
34	01/09/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
33	01/09/2007	NOTICE OF ALLOWABILITY			
32	11/03/2003	REQUEST FOR FOREIGN PRIORITY (PRIORITY			

		PAPERS MAY BE INCLUDED)			
31	12/28/2006	DATE FORWARDED TO EXAMINER			
30	12/05/2006	AMENDMENT AFTER FINAL REJECTION			
29	12/05/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
28	07/05/2006	MAIL FINAL REJECTION (PTOL - 326)			
27	06/26/2006	FINAL REJECTION			
26	04/21/2006	DATE FORWARDED TO EXAMINER			
25	04/17/2006	RESPONSE AFTER NON-FINAL ACTION		88	21
24	04/17/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
23	04/21/2006	CORRESPONDENCE ADDRESS CHANGE			
22	04/24/2006	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
21	10/19/2005	MAIL NON-FINAL REJECTION			
20	11/03/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
19	10/17/2005	NON-FINAL REJECTION			
18	08/22/2005	DATE FORWARDED TO EXAMINER			
17	08/11/2005	RESPONSE TO ELECTION / RESTRICTION FILED			
16	07/14/2005	MAIL RESTRICTION REQUIREMENT	192		-1
15	07/11/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
14.7	11/03/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	11/03/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	11/03/2003	PRELIMINARY AMENDMENT			
12	05/14/2004	CASE DOCKETED TO EXAMINER IN GAU			
11	04/18/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	04/18/2004	CORRESPONDENCE ADDRESS CHANGE			
7	04/02/2004	CLEARED BY OIPE CSR			
6	11/03/2003	371 COMPLETION DATE			
5	03/24/2004	APPLICATION DISPATCHED FROM OIPE			
4	03/24/2004	NOTICE OF DO/EO ACCEPTANCE MAILED			
3	11/18/2003	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
2	11/03/2003	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	11/03/2003	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DICKINSON WRIGHT PLLC
38525 WOODWARD AVENUE
SUITE 2000
BLOOMFIELD HILLS, MI 48304-2970

Mail Date: 04/21/2010

Applicant	: Sophie Genet	: DECISION ON REQUEST FOR
Patent Number	: 7581277	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/476,929	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/19/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **789** 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.

05 APR 2004

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Flynn Thiel Boutell & Tanis PC
2026 Rambling Road
Kalamazoo, MI 49008-1631

In re Application of
SEITLINGER, Guenter et al.
Application No.: 10/476,930
PCT No.: PCT/EP02/03960
Int. Filing Date: 09 April 2002
Priority Date: 10 April 2001
Docket No.: HPBC 107
For: TUNNEL FIRE SAFETY DEVICE

DECISION

ON PETITION UNDER

37 CFR 1.137(b)

Applicants' "Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the above-captioned application on 03 November 2003 is **GRANTED**.

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 37 CFR 1.137(b)(3). A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the fee for late filing of the oath or declaration are required.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

29 JUN 2004

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Nils Aage Juul Eilersen
Goengehusvej 226
Vedbaek, DK-2950
Denmark

In re Application of	:	
EILERSEN, Nils Aage Juul	:	
Application No.: 10/476,932	:	
PCT No.: PCT/DK02/00219	:	DECISION
Int. Filing Date: 27 March 2002	:	
Priority Date: 27 March 2001	:	
Attorney Docket No.: None	:	
For: CAPACITIVE DYNAMOMETER		

This is a response to applicant's communication filed 29 April 2004 which is being treated as Petition to Withdraw Holding of Abandonment under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 27 March 2002, applicant filed international application PCT/DK02/00219 which claimed priority date of 27 March 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 October 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, 29 September 2003. (27 September 2003 was a Saturday and 28 September 2003 was a Sunday.)

On 26 September 2003, applicant submitted $750 via wire transfer.

On 29 September 2003, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: a copy of the international application and an executed declaration. Small entity status under 37 CFR 1.27 was not claimed.

On 24 March 2004, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT UNDER 35 U.S.C. 371 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 20 April 2004, applicant submitted $170 via wire transfer.

On 29 April 2004, applicant filed the present communication which is being treated as Petition to Withdraw Holding of Abandonment under 37 CFR 1.181.

DISCUSSION

The above-identified application was abandoned on 30 September 2003 for failure to pay the basic national fee 30 months from the priority date for international application no. PCT/DK02/00219. The basic national fee for a non-small entity whose international search report was conducted by the European Patent Office is $900. (See 37 Code of Federal Regulation 1.492(a)(5)). A review of the finance record reveals that a wire transfer in the amount of $750 was submitted to the United States Patent Trademark Office prior to 30 months from the priority date, however, an authorization to charge additional fees to the deposit account was not provided. It is noted that an additional $170 were submitted via wire transfer on 22 April 2004. The additional fees are considered to be filed after the 30-month deadline under 37 CFR 1.495(b)(2). Accordingly, applicant has failed to pay the full basic national fee prior to the expiration of the 30th month deadline.

RECOMMENDATION

Applicants may wish to consider filing a petition to the Commissioner under 37 CFR 1.137(a) or (b) requesting that the application be revived. Any petition filed under 37 CFR 1.137(a) and/or a petition under 37 CFR 1.137(b) requesting that the application be revived must meet the criteria indicated in the recent revision of 37 CFR 1.137. This recommendation to file a petition under 37 CFR 1.137(a) or (b) should not be construed as an indication as to whether or not any such petition(s) will be favorably considered.

CONCLUSION

The petition under 37 CF 1.181 is **DISMISSED** and the application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137."

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

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

30 AUG 2004

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Nils Aage Juul Eilersen
Goengehusvej 226
Vedbaek, DK-2950
Denmark

In re Application of	:	
EILERSEN, Nils Aage Juul	:	
Application No.: 10/476,932	:	
PCT No.: PCT/DK02/00219	:	DECISION
Int. Filing Date: 27 March 2002	:	
Priority Date: 27 March 2001	:	
Attorney Docket No.: None	:	
For: CAPACITIVE DYNAMOMETER		

This is a response to applicant's "Request for Reconsideration of Petition under 37 CFR 1.181; or in the Alternative, Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" filed 16 August 2004.

BACKGROUND

On 27 March 2002, applicant filed international application PCT/DK02/00219 which claimed priority date of 27 March 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 October 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, 29 September 2003. (27 September 2003 was a Saturday and 28 September 2003 was a Sunday.)

On 26 September 2003, applicant submitted $750 via wire transfer.

On 29 September 2003, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: a copy of the international application and an executed declaration. Small entity status under 37 CFR 1.27 was not claimed.

On 24 March 2004, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT UNDER 35 U.S.C. 371 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 20 April 2004, applicant submitted $170 via wire transfer.

On 29 April 2004, applicant filed the present communication which is being treated as Petition to Withdraw Holding of Abandonment under 37 CFR 1.181. The petition under 37 CFR 1.181 was dismissed without prejudice in a Decision dated 29 June 2004.

On 16 August 2004, applicant filed the present petitions and has asserted small entity status.

DISCUSSION

A. Renewed Petition under 37 CFR 1.181

The above-identified application was abandoned on 30 September 2003 for failure to pay the basic national fee 30 months from the priority date for international application no. PCT/DK02/00219. A review of the finance record reveals that a wire transfer in the amount of $750 was submitted to the United States Patent Trademark Office prior to 30 months from the priority date, however, an authorization to charge additional fees to the deposit account was not provided. It is noted that an additional $170 was submitted via wire transfer on 22 April 2004. Petitioner states in the present petition that applicant is a small entity in accordance with 37 CFR 1.27. 37 CFR 1.27(c)(3) states the payment of an exact small entity basic filing or basic national fee is considered to be sufficient assertion or entitlement to small entity status. In this case, applicant did not assert small entity status by paying the small entity basic national fee. Further, the papers filed on 29 September 2003 included a Transmittal Letter which indicated applicant's intent to pay the "$750 basic filing fee." Accordingly, applicant failed to pay the full basic national fee prior to the expiration of the 30th month deadline.

B. 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 required pursuant to 37 CFR 1.137(c).

With respect to item (1) above, the required reply is has been submitted.

As to Item (2), the appropriate petition fee of $665.00 as required by 37 CFR 1.17(m) will be charged to Deposit Account no. 03-3125, as authorized.

With regard to Item (3), 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).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

The application is not in condition for entry into the national stage in the U.S. and thus it would be inappropriate to grant the petition at this time.

CONCLUSION

The petition under 37 CF 1.181 is **DISMISSED** without prejudice.

The petition under 37 CFR 1.137(b) 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: (703) 308-6314
Fax: (703) 308-6459

cc: Peter J. Phillips
Cooper & Dunham
1185 Avenue of Americas
New York, New York 10036

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Joseph S. Tripoli
Thomson Licensing Inc.
Patent Department
PO Box 5312
Princeton NJ 08543-5312

27 APR 2007

In re Application of
Christophe Laurent et al.
Application No.: 10/476,934
Filed: November 03, 2003
Attorney Docket No.: PF10040
For: METHOD FOR MANAGING A GAME FOR BETTING ON A WINNING COMBINATION

DECISION ON PETITION

This is a decision on the "Petition to Correct Priority under 37 CFR 1.78(c)" filed July 19, 2006.

BACKGROUND

The present application is a national stage under 35 U.S.C. 371 of international application PCT/FR02/01493, filed 30 April 2003. The international application publication indicates that applicants claimed the priority of French application number 01/05922, filed 03 May 2001 in the international phase.

On 03 November 2003, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a translation of the international application; an oath/declaration; and a preliminary amendment. The first preliminary amendment incorrectly identified the French (FR) application filing date as 26 March 2001.

On 19 July 2006, applicants filed"Petition to Correct Priority under 37 CFR 1.78(c)" which request that Office properly acknowledge the claim to foreign priority (French application number 01/05922, filed 03 May 2001) on the Official Filing Receipt.

DISCUSSION

The instant petition does not request correction or addition of a benefit claim to an earlier filed US application. Accordingly, the petition under 37 CFR 1.78 is dismissed as moot. In that applicant has complied with the requirements of 35 USC 365(b) to claim priority to the French application, as evidence by the presence of the priority claim on the WIPO publication of the international application, inclusion of the priority claim to French

application number 01/05922 on the filing receipt is appropriate. A corrected Official Filing Receipt which identifies the foreign priority to French application number 01/05922, filed 03 May 2001, is enclosed herewith.

CONCLUSION

The "Petition to Correct Priority under 37 CFR 1.78(c)" filed 19 July 2006 is **DISMISSED as MOOT**.

Any inquiries concerning this decision may be directed to Anthony Smith, Attorney Advisor, at (571) 272-3298. 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 Technology Center Art Unit 3714 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C.365(b).

Boris Milef
Legal Examiner
Office of Petitions and Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/476,934	11/03/2003	3714	1006	PF10040	19	4

CONFIRMATION NO. 1926

CORRECTED FILING RECEIPT

OC000000023566089

Joseph S Tripoli
Thomson Licensing Inc
Patent Department
PO Box 5312
Princeton, NJ 08543-5312

Date Mailed: 04/26/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Christophe Laurent, Vignoc, FRANCE;
Stephanie Lion, Strasbourg, FRANCE;
Yan Mei Tang-Talpin, Saint-Gregoire, FRANCE;

Power of Attorney:

Joel Fogelson--43613

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/FR02/01493 04/30/2002

Foreign Applications

FRANCE 01/05922 05/03/2001

If Required, Foreign Filing License Granted: 04/26/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/476,934

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method for managing a game for betting on a winning combination

Preliminary Class

463

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

06 APR 2004

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Balaram Gupta
Aventis Pharmaceuticals Inc.
Mail Stop BWD-303A
Route #202-206/ P.O. Box 6800
Bridgewater, New Jersey 08807-0800

In re Application of	:	
BABIN et al.	:	
Application No.: 10/476,942	:	DECISION ON PETITION
PCT No.: PCT/FR02/01519	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 02 May 2002	:	
Priority Date: 04 May 2001	:	
Attorney Docket No.: 2549USPCT	:	
For: NOVEL AZOLE OR TRIAZOLE DERIVATIVES, METHOD FOR PREPARING THE SAME AND USE THEREOF . . .		

The petition to revive under 37 CFR 1.137(b) filed 06 November 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 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. 18-1982 will be charged a $1330.00 petition fee under 37 CFR 1.17(m). Deposit Account No.18-1982 will be charged a$130 processing 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 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

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

25 MAR 2004

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Duane C. Ulmer
THE DOW CHEMICAL COMPANY
Intellectual Property
P.O. Box 1967
Midland, Michigan 48641-1967

In re Application of
DE ANGELIS, Alberto *et al*
U.S. Application No.: 10/476,955
PCT No.: PCT/EP02/04714
Int. Filing Date: 29 April 2002
Priority Date: 27 April 2001
Attorney Docket No.: 62123
For: PROCESS FOR THE SYNTHESIS OF MIXTURES OF METHANE DIPHENYL DIAMINE AND ITS HIGHER HOMOLOGUES . . .

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

Applicants' "Petition to Revive Under 37 CFR 1.137(b)" filed with the national stage papers in the above-captioned application on 05 November 2003 is hereby **GRANTED** as follows:

The appropriate basic national fee, surcharge fee and petition fee have been paid. Applicants state that "[t]he entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration was not included with any of the papers submitted.

Accordingly, this application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) is required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CONNOLLY BOVE LODGE & HUTZ LLP
P O BOX 2207
WILMINGTON, DE 19899

COPY MAILED
NOV 07 2006
OFFICE OF PETITIONS

In re Application of	:
Wolfgang Payer et al	:
Application No. 10/476,959	: DECISION ON PETITIONS
Filed: December 2, 2003	: UNDER 37 CFR 1.181
Attorney Docket No. 05587-00360-US	: AND 37 CFR 1.137(b)

This is a decision on the petition filed July 25, 2006, which is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment, or, in the alternative, under 37 CFR 1.137(b) to accept an unintentionally delayed payment of the issue and publication fees.

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

The petition under 37 CFR 1.137(b) to accept an unintentionally delayed payment of the issue and publication fees is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 2, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed December 2, 2005. A Notice of Abandonment was mailed on July 10, 2006.

Petitioner states that the issue and publication fees were timely filed on February 2, 2006, one month prior to the due date of March 2, 2006. Petitioner further states that, at the time of filing the issue and publication fees, there were sufficient funds in the deposit account to cover the requested fees. At no time did the USPTO inform petitioner that the issue and publication fees were not paid due to insufficient funds in the deposit account. However, had petitioner been informed of the insufficiency of funds in the deposit account, the issue and publication fees would have been resubmitted in a timely manner. Therefore, petitioner is requesting that the holding of abandonment be withdrawn.

A review of Office records discloses that, at the time an attempt was made to charge the issue and publication fees to petitioner's deposit account, there were insufficient funds to cover the requested fees. Accordingly, petitioner has not complied with 37 CFR 1.25, which states that "[a]n amount sufficient to cover all fees, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted." Petitioner is advised that payment of the issue and publication fees is an indispensable part of the action to which it relates, and the charging of a fee against an account which does not contain sufficient funds to cover it cannot be regarded as a payment of the fee. While the USPTO attempts to notify parties as to defective responses in order to permit timely refiling, it has no obligation to do so. *See* In re Colombo Inc., 33 USPQ2d 1530, 1532. (Comm'r Pat. 1994). Rather, it is the applicants who are ultimately responsible for filing proper and timely responses. This includes ensuring that the deposit account to which fees are to be charged contain sufficient funds at all times to charge the requested fees.

In view of the above, petitioner's contention that the fees were timely filed and that the USPTO did not inform petitioner of the insufficiency of funds in the deposit account in order for the timely resubmission of the fees prior to the expiration of the due date is not well taken. Accordingly, the holding of abandonment is proper and will not be withdrawn under the provisions of 37 CFR 1.181.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue and publication fees ($1,400 and $300, respectively); (2) the $1,500 petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

The rule at 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statements appearing in the petition vary from the language required by 37 CFR 1.137(b)(3), the statements will be construed as the statement required by 37 CFR 1.137(b)(3). If this is an incorrect reading of the statements presented, petitioner must promptly notify the Office.

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

The application file is being referred to Publishing Division.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/476,963	04/23/2004	Nicholas Alexander Rutter	51486/DBP/L472	9139

23363 7590 05/16/2006

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER
TIBBITS, PIA FLORENCE

ART UNIT	PAPER NUMBER
2838	

DATE MAILED: 05/16/2006

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

042006

MAY 1 2006

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

In re Application of: Nicholas Alexander Rutter et al. Serial No.: 10/476,963 Filed: November 5, 2003 Attorney Docket No.: 51486/DBP/L472	DECISION *SUA SPONTE* WITHDRAWING HOLDING OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A final Office action was mailed on October 5, 2005, setting a three-month shortened statutory period for response thereto. In an apparent failure to receive a response, the application was held abandoned and a Notice of Abandonment was mailed on April 11, 2006.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn in view of the fact that a Request for Continued Prosecution (RCE) along with a submission under 37 C.F.R. § 1.114(c) and a petition for an extension of time of four months were timely filed on April 7, 2006, along with a petition for an extension of time of three months. The RCE and papers filed therewith were accepted as timely filed since they were submitted using a certificate of mailing with a deposit date of April 5, 2006. The application is not abandoned in fact.

The RCE will be processed and an Office action will be prepared by the examiner in due course.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

Richard K. Seidel, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

28 SEP 2004

#7

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Stephen A. Soffen
DICKSTEIN, SHAPIRO, MORIN & OSHINSKY LLP
2101 L Street, N.W., 4th Floor
Washington, D.C. 20037-1526

In re Application of BERMAN, Richard *et al* U.S. Application No.: 10/476,975 PCT No.: PCT/GB02/01202 Int. Filing Date: 14 March 2002 Priority Date: 07 May 2001 Attorney Docket No.: M0025.0297/P297 For: A COMPANY BOARD DATA PROCESSING SYSTEM AND METHOD	**DECISION ON PETITION UNDER 37 CFR 1.47(a)**

This is a decision on applicants' "Petition Under 37 C.F.R. 1.47(a)" ("Pet.") filed on 02 September 2004.

BACKGROUND

On 02 April 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath/declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee of $130.00 must be provided. Applicants were given two months to respond.

On 02 September 2004, applicants submitted a response which was accompanied by, *inter alia*, the instant petition under 37 CFR 1.47(a); the $130.00 petition fee; the $65.00 surcharge fee; a three-month extension fee of $475.00; a "Statement of Facts in Support of Petition Under 37 C.F.R. 1.47" ("Decl."); a "Supplemental Statement of Facts"; a declaration signed by four of the six joint inventors; and Exhibits A - C.

DISCUSSION

Petitioner claims that two of the six joint inventors, Helene Jette-Regnaúlt and Linda Russheim, refuse to cooperate in the above-captioned application. Therefore, a petition under 37 CFR 1.47(a) was submitted.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the required petition fee; (2) factual proof that the nonsigning inventor(s) refuses to execute the application; (3) a statement of the last known address(es) of the nonsigning inventor(s); (4) and an oath or declaration executed by the signing joint inventor(s) on his behalf

and on behalf of the non-signing joint inventor(s).

Concerning item (1), the $130.00 petition fee has been paid.

Regarding item (3), applicants included the address of Ms. Helene Jette-Regnault as:

7 rue Marx dormoy
75018 Paris
FRANCE

The address of Ms. Linda Russheim is listed as:

76 Leahurst Road
Hither Green
London SE13 5HY
United Kingdom

With regards to item (4), the 37 CFR 1.47(a) applicant submitted a declaration signed by four of the six joint inventors on behalf of the two nonsigning joint inventors. All of the inventors' names, residences, post office addresses and citizenship are typed on this declaration. The addresses of the two nonsigning joint inventors have both changed since the declaration was executed. Regardless, the declaration is in compliance with 37 CFR 1.497(a) & (b) and meets the requirement of section 409.03(a) of the MPEP. Thus, items (1), (3) and (4) are satisfied.

Regarding item (2) of 37 CFR 1.47(a), section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) explains what is required to prove a refusal by an inventor and 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 . . .
>
> 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.

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.

With regards to Ms. Helene Jette-Regnault, the 37 CFR 1.47(a) applicant provided a declaration by Janice Woollett who states that she "sent a copy of the patent application and the inventors' declaration Helene Jette-Regnault (at the new home address in Paris, France that she had sent me) with a pre-paid self-addessed envelope for return. Decl. at ¶ 3. Ms. Woollett included copies of email correspondence with Ms. Helene Jette-Regnault in Exhibit B. Ms. Woollett claims that she has "received no response from Ms. Jette-Regnault to these reminders." Id. at ¶ 4.

As indicated in the MPEP above, the failure to reply after a reasonable period may be sufficient grounds for the 37 CFR 1.47(a) applicant to conclude that a nonsigning inventor's conduct constitutes a refusal. A review of the evidence shows Ms. Jette-Regnault has not responded to the email submitted by the petitioner on 03 August 2004. However, it appears that the delay could be caused by the ill health of Ms. Jette-Regnault as she responded on 16 July 2004. Petitioner should again attempt to contact Ms. Jette-Regnault during the two-month time period to respond given in this decision.

In addition, petitioner has not provided a copy of all documentary evidence as required. Copies of the correspondence sent to the nonsigning joint inventor was not provided. This evidence is required as the 37 CFR 1.47(a) must demonstrate that the nonsigning joint inventor has a complete copy of the application. A copy of the cover letter sent with the papers would be sufficient.

Hence, item (2) is not satisfied with regards to Ms. Jette-Regnault.

Concerning Ms. Linda Russheim, Ms. Woollett indicated in her declaration that she "sent a copy of the patent application and the inventors' declaration to Linda Russheim." Id. at ¶ 5. In a supplemental declaration, petitioners indicated that Ms. Russheim responded on 02 September 2004 with a written refusal. A copy of this email was included in Exhibit C.

A review of the email response dated 02 September 2004 indicates that Ms. Russheim refuses to sign. However, documentary evidence that Ms. Russheim received a complete copy of the application again was not provided. Petitioner must show that a complete copy of the application was given to Ms. Russheim for her refusal to be accepted.

For this reason, item (2) is also not satisfied for Ms. Russheim.

CONCLUSION

Applicants' 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.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

09 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

Stephen A. Soffen
DICKSTEIN, SHAPIRO, MORIN & OSHINSKY LLP
2101 L Street, N.W., 4th Floor
Washington, D.C. 20037-1526

In re Application of
BERMAN, Richard *et al*
U.S. Application No.: 10/476,975
PCT No.: PCT/GB02/01202
Int. Filing Date: 14 March 2002
Priority Date: 07 May 2001
Attorney Docket No.: M0025.0297/P297
For: A COMPANY BOARD DATA PROCESSING SYSTEM AND METHOD

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' "Response to Decision on Petition Under 37 C.F.R. 1.47(a)" ("Ren.Pet.") filed on 29 November 2004.

BACKGROUND

On 28 September 2004, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants failed to satisfy item (2) of 37 CFR 1.47(a) with regards to nonsigning joint inventors, Ms. Jette-Regnault and Ms. Linda Russheim. Applicants were given two months to respond.

On 29 November 2004, applicants filed the instant renewed petition which was accompanied by, *inter alia*, a declaration signed by Ms. Jette-Regnault, a copy of a letter dated 12 October 2004 and a copy of a letter dated 26 October 2004.

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 cannot be located; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor. Items (1), (3) and (4) of 37 CFR 1.47(a) were completed in the original petition.

Regarding item (2), the 37 CFR 1.47(a) applicant did not satisfy this requirement for Ms. Jette-Regnault because it appeared that the delay could be caused by her ill health. Petitioners were requested to contact Ms. Jette-Regnault again during the two-month time period to respond provided for in this decision.

In the renewed petition, the 37 CFR 1.47(a) applicant provided a signed declaration by Ms. Jette-Regnault. No further action is required.

Concerning Ms. Linda Russheim, the 37 CFR 1.47(a) applicant was requested to provide documentary evidence that she received a complete copy of the application for her purported refusal to be accepted. In the renewed petition, the 37 CFR 1.47(a) applicants included documentary evidence in the form of two letters sent to Ms. Russheim at 76 Leahurst Road, Hither Green, London SE13 5HY. The letter dated 26 October 2004 states that "[a] copy of the patent application . . . is enclosed." Petitioners also declare in the petition that "Ms. Russheim has not responded" to these letters. Ren.Pet. at ¶ 5. This evidence would have been sufficient to satisfy item (2) for Ms. Russheim, however, the last known address of Ms. Russheim was listed in the original petition as 76 Leahurst Road, not 67 Leahurst Road.

The 37 CFR 1.47(a) applicant must explain this discrepancy and provide acceptable evidence that Ms. Russheim has received a complete copy of the above-captioned application. If the address in the original petition is incorrect, petitioners must provide the correct address. For this reason, item (2) of 37 CFR 1.47(a) is still not satisfied.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter 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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

2 2 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

Stephen A. Soffen
DICKSTEIN, SHAPIRO, MORIN & OSHINSKY LLP
2101 L Street, N.W., 4th Floor
Washington, D.C. 20037-1526

In re Application of
BERMAN, Richard *et al*
U.S. Application No.: 10/476,975
PCT No.: PCT/GB02/01202
Int. Filing Date: 14 March 2002
Priority Date: 07 May 2001
Attorney Docket No.: M0025.0297/P297
For: A COMPANY BOARD DATA PROCESSING SYSTEM AND METHOD

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' "Response to Decision on Petition Under 37 C.F.R. 1.47(a)" ("2d.Ren.Pet.") filed on 14 December 2004.

BACKGROUND

On 28 September 2004, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants failed to satisfy item (2) of 37 CFR 1.47(a) with regards to Ms. Linda Russheim. Specifically, there was a question of whether certain documents were sent to the correct address.

On 14 December 2004, applicants filed the instant renewed petition which was accompanied by a copy of an email dated 02 June 2004.

DISCUSSION

In the prior petition, applicants failed to satisfy item (2) of 37 CFR 1.47(a) because there was a discrepancy in the address of Ms. Russheim. The evidence presented indicated that her address was 67 Leahurst Road, Hither Green, London SE13 5HY. However, petitioners had previously recorded the address of Ms. Russheim as 76 Leahurst Road, not 67 Leahurst Road.

In this petition, the 37 CFR 1.47(a) applicants state that "[a]s a result of a typographical error, the last known address for Ms. Russheim was incorrectly listed in the original petition as 76 Leahurst Road, rather than 67 Leahurst Road. As evidenced by the attached email correspondence from Ms. Russheim, the correct address is 67 Leahurst Road." 2d.Ren.Pet. at ¶ 2. A copy of the email dated 02 June 2004 from Ms. Russheim corroborates petitioners' claim.

Accordingly, petitioners have now shown that Ms. Russheim received a complete copy of the above-captioned application prior to her refusal. As such, item (2) of 37 CFR 1.47(a) is now satisfied.

The last known address for Ms. Russheim has been changed to:

76 Leahurst Road,
Hither Green,
London SE13 5HY
United Kingdom

All the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 14 March 2002 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 29 November 2004.

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 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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

2 2 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

Ms. Linda Russheim
76 Leahurst Road,
Hither Green,
London SE13 5HY
United Kingdom

In re Application of
BERMAN, Richard *et al*
U.S. Application No.: 10/476,975
PCT No.: PCT/GB02/01202
Int. Filing Date: 14 March 2002
Priority Date: 07 May 2001
Attorney Docket No.: M0025.0297/P297
For: A COMPANY BOARD DATA PROCESSING SYSTEM AND METHOD

Ms. Russheim:

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.: (571) 272-3302

Stephen A. Soffen
DICKSTEIN, SHAPIRO, MORIN & OSHINSKY LLP
2101 L Street, N.W., 4th Floor
Washington, D.C. 20037-1526

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, PC
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

JUN 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Gabor Bajko et al	:	
Application No. 10/476,980	:	DECISION GRANTING PETITION
Filed: November 7, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 39700-787N01US/NC16098US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 28, 2010, 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 4, 2010 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 2617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

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

10 MAR 2004

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of:	:	
PEREIRA, Manuel, et al.	:	DECISION ON PETITION TO
U.S. Application No.: 10/476,984	:	REVIVE ABANDONED
PCT No.: PCT/PT02/00004	:	APPLICATION UNDER 37
International Filing Date: 06 March 2002	:	CFR 1.137(b)
Priority Date: 09 March 2001	:	
Attorney's Docket No.: 0249-0130P	:	
For: A SOLAR COOKER CONCENTRATOR OF	:	
THE BOX TYPE, USING CPC-TYPE OPTICS	:	

The petition to revive under 37 CFR 1.137(b) filed 07 November 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).

Applicants have 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.

It is noted that the 07 November 2003 filing also included an executed declaration in compliance with 37 CFR 1.497.

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 07 November 2003.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

24 MAR 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

SQUIRE, SANDERS & DEMPSEY L.L.P.
14TH FLOOR
8000 TOWERS CRESCENT
TYSONS CORNER, VA 22182

In re Application of VIALEN et al	:	
U.S. Application No.: 10/476,988	:	
PCT Application No.: PCT/EP02/01220	:	DECISION
Int. Filing Date: 06 February 2002	:	
Priority Date Claimed: 12 February 2001	:	
Attorney Docket No.: 59643.00348	:	
For: MESSAGE AUTHENTICATION	:	

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 07 November 2003.

BACKGROUND

On 06 February 2002, applicant filed international application PCT/EP02/01220, which claimed priority of an earlier United Kingdom application filed 12 February 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 19 September 2002. The thirty-month period for paying the basic national fee in the United States expired on 12 August 2003.

International application PCT/EP02/01220 became abandoned as to the United States for failure to timely pay the basic national fee.

On 07 November 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 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 United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

04 AUG 2004

#8

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Robert A. Hodges
Needle & Rosenberg, P.C.
Suite 1000
999 Peachtree Street
Atlanta, GA 30309-3915

In re Application of	:	
WALLER et al.	:	
Application No.: 10/477,012	:	
PCT No.: PCT/US02/14497	:	DECISION ON REQUEST
Int. Filing Date: 08 May 2002	:	
Priority Date: 08 May 2001	:	
Atty. Docket No.: 05010.0093US2	:	
For: REGULATING IMMUNE RESPONSES USING DENDRITIC CELLS		

This is a decision on the request regarding the correction of the second and third inventor's name filed 14 June 2004 notifying the Office that the correct spelling of the second and third inventor's name is HILARY S. Rosenthal and Sagar LONIAL as indicated on the (corrected) declaration rather than Hillary S. Rosenthal and Sagar Lonail as indicated on the published international application.

As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, applicants' explanation of the difference in the spelling of the second and third inventor's name is accepted and noted for the record.

For the reasons above, the request is **GRANTED**.

This application is being forwarded to United States Designated/Elected Office for further processing and for review of the national stage papers submitted 18 March 2004.

Anthony Smith

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

18 AUG 2004

#9

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Robert A. Hodges
Needle & Rosenberg, P.C.
Suite 1000
999 Peachtree Street
Atlanta, GA 30309-3915

In re Application of	:	
WALLER et al.	:	
Application No.: 10/477,012	:	
PCT No.: PCT/US02/14497	:	DECISION ON REQUEST
Int. Filing Date: 08 May 2002	:	
Priority Date: 08 May 2001	:	
Atty. Docket No.: 05010.0093US2	:	
For: REGULATING IMMUNE RESPONSES USING DENDRITIC CELLS		

This is an amended[1] decision on the request regarding the correction of the second and third inventor's name filed 14 June 2004 notifying the Office that the correct spelling of the second and third inventor's name is HILARY S. Rosenthal and Sagar LONIAL as indicated on the (corrected) declaration rather than Hillary S. Rosenthal and Sagar Lonail as indicated on the published international application.

As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, applicants' explanation of the difference in the spelling of the second and third inventor's name is accepted and noted for the record.

For the reasons above, the request is **GRANTED**.

This application is being forwarded to United States Designated/Elected Office for further processing and for review of the national stage papers submitted 06 November 2003.

Anthony Smith

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

---

[1]The decision mailed 04 August 2004 should have stated that the application was being forwarded to United States Designated/Elected Office for further processing and for review of the national stage papers submitted on 06 November 2003, not 18 March 2004.

1 5 NOV 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

Leon R. Yankwich
YANKWICH & ASSOCIATES
201 Broadway
Cambridge, MA 02139

In re Application of: BRONSHTEIN, Victor, et al. U.S. Application No.: 10/477,014 PCT No.: PCT/US02/14552 Int'l Filing Date: 07 May 2002 Priority Date: 07 May 2001 Attorney's Docket No.: UPT-039.1P US For: PRESERVATION OF COMPETENT CELLS AT AMBIENT TEMPERATURES	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' petition under 37 CFR 1.47(a) filed 02 September 2004. Applicants have paid the required petition fee.

BACKGROUND

On 07 May 2002, applicants filed international application PCT/US02/14552 which claimed a priority date of 07 May 2001 and which designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 07 November 2003.

On 06 November 2003, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 29 April 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of a properly executed oath or declaration in compliance with 37 CFR 1.497 and the $130 surcharge for filing the declaration later than thirty months after the priority date.

On 02 September 2004, applicants filed a response to the Notification Of Missing Requirements (including payment of the necessary two month extension fee). The Response included payment of the $130 surcharge, a declaration executed by one of the three inventors, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signatures of the two nonsigning inventors.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the nonsigning inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the nonsigning inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have submitted the petition fee, and the petition expressly states the last known addresses of the nonsigning inventors. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the named inventors and containing unsigned signature blocks for the nonsigning inventors, Victor BRONSHTEIN and Gordana DJORDIJEVIC. This declaration can be accepted as having been signed by the inventor on his own behalf and on behalf of the nonsigning inventors. Item (3) is therefore satisfied.

Regarding item (4), the petition asserts that nonsigning inventor Victor BRONSHTEIN has refused to execute the application and that nonsigning inventor Gordana DJORDIJEVIC cannot be located after diligent effort.

With respect to Mr. BRONSHTEIN, section 409.03(d) of the MPEP requires that the refusing inventor be provided with a copy of the complete application papers, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made." Applicants here have provided firsthand and documentary evidence demonstrating that a copy of the complete application has been sent to Mr. BRONSHTEIN and that this inventor has failed to provide an executed declaration. The submitted materials are accepted as demonstrating that Mr. BRONSHTEIN has refused to execute the application.

With respect to Gordana DJORDIJIVEC, the MPEP requires a firsthand statement, with supporting documentary evidence, demonstrating that a diligent effort was made to locate the nonsigning inventor. Applicants here have provided such statement, including evidence of an internet search for information regarding this inventor. The submission is accepted as demonstrating that Gordana DJORDIJIVEC cannot be located after diligent effort.

Based on the above, item (4) has been satisfied with respect to both of the nonsigning inventors. Applicants have satisfied all the requirements for a grantable petition.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signatures of Victor BRONSHTEIN and Gordana DJORDIJEVIC is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventors at the last known addresses set forth in the petition materials, and notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) is 02 September 2004.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

15 NOV 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

Gordana Djordijevic
3363 Lebon Drive #303
San Diego, CA 92122

In re Application of: BRONSHTEIN, Victor, et al.
U.S. Application No.: 10/477,014
PCT No.: PCT/US02/14552
Int'l Filing Date: 07 May 2002
Priority Date: 07 May 2001
Attorney's Docket No.: UPT-039.1P US
For: PRESERVATION OF COMPETENT CELLS AT AMBIENT TEMPERATURES

Dear Gordana Djordijevic:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Richard M. Ross
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:
Leon R. Yankwich
YANKWICH & ASSOCIATES
201 Broadway
Cambridge, MA 02139

15 NOV 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

Victor Bronshtein, Ph.D.
c/o Universal Stabilization Technologies, Inc.
4050 Sorrento Valley Blvd, Suite L
San Diego, CA 92121

In re Application of: BRONSHTEIN, Victor, et al.
U.S. Application No.: 10/477,014
PCT No.: PCT/US02/14552
Int'l Filing Date: 07 May 2002
Priority Date: 07 May 2001
Attorney's Docket No.: UPT-039.1P US
For: PRESERVATION OF COMPETENT CELLS AT AMBIENT TEMPERATURES

Dear Dr. Bronshtein:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Richard M. Ross
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:
Leon R. Yankwich
YANKWICH & ASSOCIATES
201 Broadway
Cambridge, MA 02139

15 NOV 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

Victor Bronshtein, Ph.D.
5008 Almondwood Way
San Diego, CA 92124

In re Application of: BRONSHTEIN, Victor, et al.
U.S. Application No.: 10/477,014
PCT No.: PCT/US02/14552
Int'l Filing Date: 07 May 2002
Priority Date: 07 May 2001
Attorney's Docket No.: UPT-039.1P US
For: PRESERVATION OF COMPETENT CELLS AT AMBIENT TEMPERATURES

Dear Dr. Bronshtein:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Richard M. Ross
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:
Leon R. Yankwich
YANKWICH & ASSOCIATES
201 Broadway
Cambridge, MA 02139

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

AUG 0 5 2009

OFFICE OF PETITIONS

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

In re Application of
Mirko Cernak
Application No. 10/477,027
Filed: May 21, 2004
Attorney Docket No. 206,329

ON PETITION

This is a decision in response to the petition, filed June 5, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 18, 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) was obtained. Accordingly, the application became abandoned on June 19, 2008. A Notice of Abandonment was mailed on October 24, 2008. On June 5, 2009, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed reply in the form of an amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 1795 for appropriate action by the Examiner in the normal course of business on the response filed June 5, 2009.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

Mail Date: 06/14/2010

Applicant	: Peter John van den Brink	: DECISION ON REQUEST FOR
Patent Number	: 7625526	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/477,028	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1272** 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

James P Zeller
Marshall O'Toole Gerstein Murray & Borun
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6402

Mail Date: 04/21/2010

Applicant	: Richard O'Dell	: DECISION ON REQUEST FOR
Patent Number	: 7629429	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/477,037	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/01/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1084** 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

James P Zeller
Marshall O'Toole Gerstein Murray & Borun
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6402

Mail Date: 05/18/2010

Applicant : Richard O'Dell
Patent Number : 7629429
Issue Date : 12/08/2009
Application No : 10/477,037
Filed : 04/01/2004

: 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 **1161** 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).

19 MAR 2004

#3

UNITED STATES PATENT and TRADEMARK OFFICE

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

Charles N.J. Ruggiero,
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, Connecticut 06901-2682

In re Application of	: DECISION ON
Chomik et al	:
Application No.: 10/477,041	:
PCT No.: PCT/US02/11021	: PETITION UNDER
Int. Filing Date: 10 April 2002	:
Priority Date: 10 April 2001	: 37 CFR 1.137(b)
Attorney's Docket No.: PCT/US02/11021	:
For: WASTE STORAGE DEVICE	:

This decision is in response to applicants' "APPLICANT HEREBY PETITIONS FOR REVIVAL FO THIS APPLICATION" filed on 05 November 2003.

BACKGROUND

On 10 April 2002, this international application was filed, claiming an earliest priority date of 10 April 2001.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 was 10 October 2003.

On 05 November 2003, applicants filed the instant petition under 37 CFR 1.137(b) and Transmittal letter for entry into the national stage in the United States, which was accompanied by, basic national fee. No executed declaration or oath was filed at such time.

DISCUSSION

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

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (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).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office

Telephone: (703) 308-6312
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KNOBBE MARTENS OLSON & BEAR L.L.P.
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

COPY MAILED

JUL 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Spooner-Hart et al.	:	
Application No. 10/477,057	:	DECISION ON PETITION
Filed: September 23, 2004	:	
Attorney Docket No. DAVI226.001APC	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 13, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 5, 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 timely obtained. Accordingly, the application became abandoned on March 6, 2008. A Notice of Abandonment was mailed July 18, 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 continuation, (2) the petition fee of $770.00, and (3) an adequate statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 12/134,035, filed June 5, 2008.

Further, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $525.00 three month extension of time fee submitted with the petition on June 13, 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 Joan Olszewski at (571) 272-7751.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

Mail Date: 04/20/2010

Applicant	: Tomohiko Suzuki	: DECISION ON REQUEST FOR
Patent Number	: 7652025	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/477,062	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/18/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **669** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVIS & BUJOLD, P.L.L.C.
Fourth Floor
500 N. Commercial Street
Manchester, NH 03101-1151

APR 21 2006

In re Application of: Hugh A. Stoddart Serial No.: 10/477,064 Filed: November 7, 2003 Attorney Docket No.: **NEPHCO P01BUS**	: : : : :	*SUA SPONTE* DECISION WITHDRAWING HOLDING OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

The application was held abandoned for failure to timely file the Office action mailed on July 19, 2005. A Notice of Abandonment was mailed on January 26, 2006.

A review of the written record indicates that a proper response to the Office action was previously filed on January 23, 2006, with a three (3) month extension of time and a certificate of mailing dated January 19, 2006, but not processed in the application file prior to the mailing of the Notice of Abandonment. Since the response was timely filed, the abandonment of the application was premature. Therefore, the application was not abandoned in fact.

For the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the examiner for consideration of the response.

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

Janice A. Falcone

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Baker & Hostetler LLP
Attn: Jim Coffman
45 Rockefeller Plaza
New York NY 10111

COPY MAILED

OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of
Inada et al.
Application No. 10/477,092
Filed: November 7, 2003
Patent No.7,306,738
Issued: December 11, 2007
Attorney Docket No. MM4638PCT

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.183 filed April 24, 2008, which has been properly 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**.

Petitioner indicates that the correct assignee is Pet Rebrith Co., Ltd., and that AIES Co., Ltd. was incorrectly placed on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

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

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

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

The request was accompanied by a certificate of correction as required by 3.81(b). The certificate of correction fee set forth in § 1.20(a) ($100.00) and the processing fee set forth in § 1.17(i) ($130.00) have been charged to Deposit Account No. 50-3814 as authorized in the petition. Further, Office assignment records reflect that Pet Rebrith Co., Ltd. is the assignee of record, which assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent. 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.

Also, since the petition under 37 CFR 1.183 has been treated as a request under 37 CFR 3.81(b), the petition fee under 37 CFR 1.17(f) for consideration of a petition under 37 CFR 1.183 is not necessary.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6692. 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.

Christopher Bottorff
Petitions Examiner
Office of Petitions

cc: ANDERSON, KILL & OLICK, P.C.
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020-1182

27 JUL 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

#6

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

Baralam Gupta
AVENTIS PHARMACEUTICALS INC.
ROUTE 202-206
MAIL CODE: D303A
BRIDGEWATER NJ 08807

In re Application of Didier Babin et al Application No.: 10/477112 PCT Application No.: PCT/FR02/01521 International Filing Date: 02 May 2002 Priority Date: 04 May 2001 Attorney Docket No.: 2548 US PCT For: NOVEL AZOLE OR TRIAZOLE DERIVATIVES, METHODS FOR PREPARING THE SAME AND USE THEREOF AS FUNGICIDES	DECISION ON PETITION UNDER 37 CFR 1.137 (b)

This is in response to applicant's petition under 37 CFR 1.137 (b) filed on 06 November 2003, to revive the above identified application.

BACKGROUND

On 02 May 2002, applicant filed international application number PCT/FR02/015121 which claimed priority to an earlier filed French application 0105958 filed on 04 May 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 14 November 2002. A demand for international preliminary examination, in which the United States was elected, was filed on 15 November 2002, prior to 04 December 2002, the end of the 19 month period from 04 May 2001 priority date. The period for paying the basic national fee is thus 30 months and ended at midnight on 04 November 2003.

On Midnight 04 November 2003, the above application became abandoned for failure to provide the full US Basic National Fee by 30 months (37 CFR 1.495 (b)(2)).

On 06 November 2003, applicant submitted a petition for revival.

DISCUSSION

A petition to revive under 37 CRF 1.137 (b) must be accompanied by: (1) a proper response, unless it has been previously submitted; (2) the requisite petition fee as required by 37 CFR 1.17 (m); (3) a statement that the " entire delay in filing the required reply from the due date

for the reply until the filing of a grantable petition was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137 (c).

On 06 November 2003, applicant filed the present petition to revive the national stage application under 37 CFR 1.137 (b). Filed with the present petition were, inter alia: (1) the requisite $1,330 Petition fee (large entity); (2) a Transmittal Letter for entry into the national stage in the United States of America under 35 U.S.C. 371 along with the requisite basic national fee; and (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional,".

The application and papers have been reviewed and have been found to be in compliance with 37 CFR 1.137 (b).

CONCLUSION

The petition to revive the international application under 37 CFR 1.137 (b) is GRANTED as to the National stage in the United States of America.

This application is being forwarded to the National Stage Processing Division for further processing.

Michael Lebentritt
Detailee
Office of PCT Legal Administration
Telephone (703) 308-6162
Facsimile (703) 308-6459

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (703) 308-6461
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOV 13 2006

MILLEN, WHITE, ZELANO & BRANIGAN, PC
2200 CLARENDON BLVS.
SUITE 1400
ARLINGTON, VA 22201

In re Application of	:
Martin Krueger et al	:
Serial No.: 10/477,126	: PETITION DECISION
Filed: November 7, 2003	:
Attorney Docket No.: SCH-1989	:

This is in response to the petition under 37 CFR 1.144, filed August 21, 2006, requesting withdrawal of an improper Lack of Unity requirement.

BACKGROUND

A review of the file history shows that this application was filed under 35 U.S.C. 371 and accepted on May 18, 2004, and contained claims 1-14. In a first Office action, mailed August 11, 2005, the examiner set forth a Lack of Unity of Invention, as follows:

Group I – where R^1 is pyridine and R^2 is pyridine;
Group II – where R^1 is pyridine and R^2 is quinoliine;
Group III – where R^1 is quinoline and R^2 is pyridine;
Group IV – where R^1 is quinoline and R^2 is quinioline;
Group V – where R^1 is naphthyridine and R^2 is pyridine; and
Group VI – any compound not included in the above groups.

The examiner stated that claims 5-14 were withdrawn as directed to non-statutory subject matter. The examiner also stated that due to the numerous variables X^1-X^7, R^1, R^2, etc , that a precise listing of all inventive groups cannot be made. The examiner also stated that the claims lack a significant structural element qualifying as the special technical feature defining a contribution over the prior art. The examiner also required election of a single species from whichever group was elected.

Applicants replied on August 31, 2005, electing Group II and the species of Example 13 with traverse, arguing that the examiner has failed to show an undue burden to examine the full scope of the invention.

On October 17, 2005, the examiner mailed an Office action to applicants acknowledging the election and species identified and dismissing the traverse as failing to provide any cogent reasons therefore. The examiner rejected claim 1 under 35 U.S.C. 112, first paragraph, as lacking enablement and/or written description. Claims 1-4 were rejected under 35 U.S.C. 112, second paragraph, as indefinite for various reasons. Claim 1 was indicated allowable if properly amended.

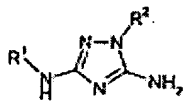
Applicants replied on February 14, 2006, amending claims 1-5 and 7-14, canceling claim 6 and adding claims 15-22. Applicants again traversed the Lack of Unity requirement arguing mainly that all compounds would be classified in one subclass based on the common triazole structure. Applicants also replied to the rejections of record.

The examiner mailed a Final Office action to applicants on April 20, 2006, indicating claims 1-4, 15 and 19-22 were under consideration. The examiner maintained the Lack of Unity requirement and made it Final for the same reasons as before. The examiner declined to rejoin amended claims 5-14 and 16-18 directed to a process as not being of the same scope as the compound claims. Claim 1 was again rejected under 35 U.S.C. 112, second paragraph as indefinite.

Applicants filed an amendment/argument to the Office action on August 21, 2006, accompanied by a Notice of Appeal and this petition.

DISCUSSION

Applicant's claims are directed to the compounds represented by formula I, as seen here:



The core structure is a 3,5-diamino triazole having a further substituent at position 1. As seen above, the 3-amino is also monosubstituted. The diamino triazole, however, constitutes a significant structural element under PCT Rule 13.1 which can provide Unity of Invention in a Markush Group. While it is desirable to have a significant structural element which defines over the art, this is not an absolute requirement as suggested by the examiner. Alternatively, compounds forming a recognized class of compounds and having a common utility, as here, also qualify as having Unity of Invention. Applicants buttress their argument by noting that triazoles form a separate class (Class 548) of compounds under the US Classification system and triazoles having plural nitrogens attached to the ring fall into a single subclass (266.2). Thus all references containing the above core structure should be classified or cross-referenced in this subclass. The examiner's rebuttal to this argument, that numerous classes and subclasses would have to be searched misses the fact that the triazole core is always present and searchable in a single subclass, appears to be based on classification of the various R^1 and R^2 heterocyclic substituents which is improper

It is noted that applicants' initial traversal on the grounds of lack of search burden is not a valid argument for withdrawing a Lack of Unity requirement.

Applicants also request rejoinder of withdrawn claims. A review of claims 7, 10, 14 and 16 show that they are to a pharmaceutical composition dependent on and comprising the compounds of claims 1, 2, 7 and 15, respectively, with a carrier. These claims do not vary in scope from claims 1 and 15 except for the addition of a carrier which is common. These claims would normally be examined with the compound claims and rejoinder here is appropriate. Claims 5, 8-9, 11-13 and 17-18 are directed to a method of treatment of various diseases and conditions too numerous to mention with the compounds of claim 1 or the pharmaceutical compositions made from the compounds of claim 1 and are ultimately dependent on claim1. thus they also have the same scope as claim 1 with respect to the allowable subject matter of the compounds. Inasmuch as PCT Rule 13 provides for a product (compound) and its method of use as having Unity, these claims must also be rejoined and examined fully. Note that rejoinder does not equate to patentability as these claims must also satisfy the other requirements of the statute, such as 35 U.S.C. 112, first and second paragraphs.

DECISION

The petition is **GRANTED.**

The restriction Lack of Unity requirement is withdrawn.

In view of the fact that additional claims will now be examined the Finality of the last Office action is withdrawn. It is noted that applicants have filed a Notice of Appeal. This Notice is dismissed now as premature and applicants may request refund of the Appeal fee paid.

The application will be forwarded to the examiner for consideration of applicants' reply filed August 21, 2006, and further action not inconsistent with this decision.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.

George C. Elliott

George C. Elliott.
Director, Technology Center 1600

UNITED STATES 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.

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

MAILED

MAY 2 1 2010

OFFICE OF PETITIONS

In re Patent No. 7588790	: DECISION ON REQUEST
Kok et al.	: FOR
Issue Date: 09/15/2009	: RECONSIDERATION OF
Application No. 10/477134	: PATENT TERM ADJUSTMENT
Filed: 04/28/2004	: and
Atty Docket No.	: NOTICE OF INTENT TO ISSUE
087258-0900	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on November 12, 2009, which is being treated as a request for reconsideration 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 twelve (812) days. As clarified below, the petition will be treated as a petition 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 eleven (811) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by eight hundred eleven (811) days is **GRANTED to the extent indicated herein**.

The calculation of delay pursuant to 37 CFR 1.702(b) is based on a national stage commencement date of November 10, 2003, not November 9, 2003. As the expiration of the 30-month period pursuant to 35 U.S.C. 371(b) fell on a Sunday, the period expired on the subsequent business day. See PCT Rule 80.5. Accordingly, the commencement date is Monday, November 10, 2003. Further, as the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on November 10, 2006 and ends on February 28, 2008, the day before the RCE was filed, and is 475 (not 477) days. See 35 U.S.C. 154(b)(1)(B)(i). Considering the 103 overlapping days pursuant to 37 CFR 1.703(a)(1) beginning on November 10, 2003 and ending on February 21, 2007, the date the first Office action was mailed under 37 CFR 1.702(b), the "B" delay is 372 (475 – 103), not 373 days.

Therefore, the patent term adjustment is 811 days, not 812 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 application is being forwarded to the Certificates of Correction 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 **eight hundred eleven (811)** days.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,588,790 B2

DATED : **Sep. 15, 2009** **DRAFT**

INVENTOR(S) : Kok 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 439 days.

Delete the phrase "by 439 days" and insert – by 811 days--

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

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

Mail Date: 04/21/2010

Applicant	: Gabor Bajko	: DECISION ON REQUEST FOR
Patent Number	: 7606910	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/477,136	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/09/2003	: 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.

21 MAR 2005

#10

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BORDEN LADNER GERVAIS LLP
WORLD EXCHANGE PLAZA
100 QUEEN STREET SUITE 1100
OTTAWA, CANADA K1P 1-J9

In re Application of DUROCHER et al	:	
U.S. Application No.: 10/477,148	:	
PCT Application No.: PCT/CA02/00683	:	
Int. Filing Date: 07 May 2002	:	
Priority Date Claimed: 07 May 2001	:	DECISION
Attorney Docket No.: PAT 694W-2	:	
For: ENHANCED PRODUCTION OF RECOMBINANT PROTEINS BY TRANSIENT TRANSFECTION OF SUSPENSION-GROWING MAMMALIAN CELLS	:	

This is in response to applicant's "Renewed Petition Under 37 CFR 1.497(d)" filed 19 November 2004.

BACKGROUND

On 07 May 2002, applicant filed international application PCT/CA02/00683, which claimed priority of an earlier United States application filed 07 May 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 14 November 2002. The thirty-month period for paying the basic national fee in the United States expired on 07 November 2003.

On 07 November 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 April 2004, 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 22 July 2004, applicant filed a petition under 37 CFR 1.497(d).

On 21 September 2004, this Office mailed a decision dismissing the 22 July 2004 petition.

On 19 November 2004, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Gilles St-Laurent should be deleted 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 37 CFR 3.73(b) of this chapter).

Applicant has previously satisfied items (1) and (2) above.

With regard to item (3) above, written consent from the assignee has been furnished. Ownership of the application has been established pursuant to 37 CFR 3.73.

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 07 May 2002, and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 22 July 2004.

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

Bryan Tung
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: 703-308-6614
Facsimile: 703-308-6459

21 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BORDEN LADNER GERVAIS LLP
WORLD EXCHANGE PLAZA
100 QUEEN STREET SUITE 1100
OTTAWA, CANADA K1P 1-J9

In re Application of DUROCHER et al	:	
U.S. Application No.: 10/477,148	:	
PCT Application No.: PCT/CA02/00683	:	
Int. Filing Date: 07 May 2002	:	
Priority Date Claimed: 07 May 2001	:	DECISION
Attorney Docket No.: PAT 694W-2	:	
For: ENHANCED PRODUCTION OF RECOMBINANT PROTEINS BY TRANSIENT TRANSFECTION OF SUSPENSION-GROWING MAMMALIAN CELLS	:	

This is in response to applicant's "Response to Notification of Missing Requirements" filed 22 July 2004, which is being treated as a petition to correct inventorship under 37 CFR 1.497(d).

BACKGROUND

On 07 May 2002, applicant filed international application PCT/CA02/00683, which claimed priority of an earlier United States application filed 07 May 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 14 November 2002. The thirty-month period for paying the basic national fee in the United States expired on 07 November 2003.

On 07 November 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 April 2004, 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 22 July 2004, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Gilles St-Laurent should be deleted 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 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 No. 50-1593 as authorized in the petition.

With regard to item (3) above, written consent from the assignee has not been furnished. MPEP 201.03 states that where no assignee exists, the petitioner should affirmatively state that fact. If an assignee exists, ownership of the application must be established pursuant to 37 CFR 37 CFR 3.73. See MPEP 201.03, section D.

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 mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. 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 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.

Bryan Tung
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: 703-308-6614
Facsimile: 703-308-6459

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Kurt Weiblen	: DECISION ON REQUEST FOR
Patent Number	: 7585662	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/477,160	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1075** 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.

23 MAR 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

Timothy H. Van Dyke
Van Dyke & Associates, P.A.
7200 Lake Ellenor Drive, Suite 252
Orlando, FL 32809

In re Application of KLEIN, et al. U.S. Application No.: 10/477,167 PCT No.: PCT/US02/04019 Int. Filing Date: 11 February 2002 Priority Date: 09 February 2001 Attorney Docket No.: UF-10293-US For: HUMAN DISEASE MODELING USING SOMATIC GENE TRANSFER	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 06 November 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" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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 executed oath or declaration of the inventors is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (703) 305-0130
Fax: (703) 308-6459

Request for Legal Staff Consideration

Serial No. 10/477167 RECEIVED 23 MAR 2004 Date: 03/20/04.

Legal Staff
International Division

Request: ☑ Petition To Revive Unintentionally Abn. Appl. ☐ Petition under Rule 1.47

☐ Other: Enclosed is a petition to revive for your consideration.

Requestor: D. Alvarado Supervisor: Donna

Response: PETITION GRANTED. PLEASE PREPARE & MAIL 905 REGARDING LACK OF DECLARATION AND SURCHARGE.

: D. PUTONEN Date: 3/23/04

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MACPHERSON KWOK CHEN & HEID LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE CA 95110

COPY MAILED

MAY 0 1 2008

OFFICE OF PETITIONS

In re Application of
HARING, Thomas et al.
Application No. 10/477,174
Filed: January 09, 2004
Attorney Docket No. **M-16756 US**

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 30, 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, March 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 July 01, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $750, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office March 30, 2006, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 1723 for appropriate action on the concurrently filed amendment.

David Bucc
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
DIW Sep-06

YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON VA 22202

COPY MAILED

SEP 28 2006

OFFICE OF PETITIONS

In re Application of	:	
Risto Paavilainen	:	DECISION ON PETITION TO
Application No. 10/477,178	:	WITHDRAW HOLDING OF
Filed: 24 May, 2004	:	ABANDONMENT
Attorney Docket No. 1501-1228	:	

This is a decision on the petition filed on 18 July, 2006, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the non-final Office action mailed on 27 December, 2005, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 24 July, 2006.

Petitioner asserts that the Office action mailed on 27 December, 2005, was never received.

In the absence of any irregularity in the mailing of the non-final Office action, there is a strong presumption that the non-final Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the non-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 non-final Office action may have been lost after receipt rather than a conclusion that the non-final Office action was lost in the mail.

A review of the record indicates that the Office action was properly mailed to petitioner at the correspondence address of record at the time of mailing. Thus, there was no irregularity in mailing the Office action on the part of the United States Patent and Trademark Office.

In support of the petition, the petitioner's counsel, registered patent attorney Benoit Castel, asserts that a search of the file jacket and docket records indicates that the Office action was not received. Additionally, a copy of the docket report where the Office action would have been docketed and entered had it been received has been provided and has been referenced in the practitioner's statement.

The petitioner has made a sufficient showing of nonreceipt of the Office action. Consequently, there is no abandonment in fact, and any holding of abandonment is withdrawn.

The petition is **GRANTED.**

The application file is being referred to Technology Center 2100 technical support staff for remailing of the Office action mailed 27 December, 2005. The period for reply will be reset from the mailing date thereof.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
DIW Apr-10

ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 10064
MCLEAN VA 22102-8064

MAILED

APR 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Thomas Zwieg	:	
Application Number: 10/477183	:	ON PETITION
Filing Date: 07/19/2004	:	
Attorney Docket Number: 742111-153	:	

This is a decision on the renewed petition under 37 CFR 1.137(b) filed on February 1, 2010.

The petition is **GRANTED**.

The application became abandoned on September 30, 2008, for failure to timely file a reply to the Office action requiring restriction and/or election mailed on August 29, 2008, which set a one (1) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on March 9, 2009.

On February 1, 2010, the subject petition was filed, accompanied by an election.

The application is forwarded to Technology Center Art Unit 3744 for further processing.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

COPY MAILED

NOV 23 2007

OFFICE OF PETITIONS

In re Application of
Athanase Mariggis
Application No. 10/477,221
Filed: November 10, 2003
Attorney Docket No. 449122065900

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 July 13, 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 Gladstein on behalf of all attorneys of record who are associated with customer No. 25227.

All attorneys/agents associated with the Customer Number 25227 have been withdrawn.

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

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There is an outstanding Office action mailed November 9, 2007 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: ATHANASE MARIGGIS
SCHUCKERTSTR. 1
MUNCHEN 81379 GERMANY

cc: KEVIN SPIVAK
BELL, BOYD & LLOYD, LLC
70 WEST MADISON STREET
SUITE 3100
CHICAGO, IL 60602-4207

20 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Sherman & Shalloway
413 N. Washington Street
Alexandria, VA 22314

In re Application of	:	
ABE, Kiyoshi et al.	:	
Application No.: 10/477,230	:	DECISION ON
PCT No.: PCT/JP03/02384	:	
Int. Filing Date: 28 February 2003	:	PETITION UNDER
Priority Date: 11 March 2002	:	
Attorney Docket No.: ONO-106	:	37 CFR 1.47(a)
For: METHOD FOR PRODUCING BIO-FUEL	:	

This is a decision on applicants' "Response to Notification of Missing Requirements," filed in the United States Patent and Trademark Office (USPTO) on 15 June 2004.

BACKGROUND

On 28 February 2003, applicants filed international application PCT/JP03/02384, which claimed a priority date of 11 March 2002. A copy of the international application was transmitted to the Office on 18 September 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 September 2004 (11 September 2004 was a Saturday).

On 10 November 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 24 March 2004, 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 15 June 2004, applicants submitted the instant petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a declaration.

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 after being presented with the application papers 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 nonsigning applicant

Items (1) and (3) have been satisfied. (1) The petition fee of $130 has been paid. (4) The last known address of the non-signing inventor is listed as Apartado Postal 1880-3000; Heredia, Costa Rica.

Item (2) has not been satisfied. Applicants claim that Ms. Ana Vanessa cannot be reached after a diligent effort. However, applicants addressed the letter to her as Ms. Vanessa Lara, which is not her name

as listed on either the international application or the declaration. Applicants do not indicate further actions undertaken to locate a valid address for Ms. Ana Vanessa, including internet searches. MPEP 409.03(d).

As to (4), the declaration does not comply with 37 CFR 1.497(a)-(b) and 37 CFR 1.47(a). The international application lists the non-signing inventor as Lara Pizzaro Ana Vanessa. The declaration lists the non-signing inventor as Ana Vanessa Lara Pizzaro. If an error occurred in the listing of the inventor's name in the international application, applicants' attention is directed to 37 CFR 1.497(d).

CONCLUSION

For the above reasons, applicants' 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. 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(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration. As of 01 October 2004, the undersigned may be reached at 571-272-3292 and PCT Legal Administration's facsimile number will be 571-273-0459.

Leonard E. Smith
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

06 JAN 2005

#9

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Sherman & Shalloway
413 N. Washington Street
Alexandria, VA 22314

In re Application of	:	
ABE, Kiyoshi et al.	:	
Application No.: 10/477,230	:	DECISION ON
PCT No.: PCT/JP03/02384	:	
Int. Filing Date: 28 February 2003	:	PETITION UNDER
Priority Date: 11 March 2002	:	
Attorney Docket No.: ONO-106	:	37 CFR 1.182
For: METHOD FOR PRODUCING BIO-FUEL	:	

This is a decision on applicants' "Petition Under 37 CFR 1.182," filed in the United States Patent and Trademark Office (USPTO) on 17 November 2004.

BACKGROUND

On 28 February 2003, applicants filed international application PCT/JP03/02384, which claimed a priority date of 11 March 2002. A copy of the international application was transmitted to the Office on 18 September 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 September 2004 (11 September 2004 was a Saturday).

On 10 November 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 24 March 2004, 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 15 June 2004, applicants submitted a petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a declaration.

On 20 September 2004, the Office mailed Decision on Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 17 November 2004, applicants submitted a petition under 37 CFR 1.182, accompanied by a declaration under 37 CFR 1.497(a)-(b).

DISCUSSION

Applicants have supplied a statement signed by "Ana Vanessa Lara Pizarro" stating that she is the inventor in the international application and that a clerical error incorrectly ordered her names and that such error occurred without deceptive intention on her part. This is an adequate explanation.

The declaration filed on 17 November 2004, in combination with the declaration filed 15 June 2004 satisfies the requirements of 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT** and applicants' petition under 37 CFR 1.182 is **GRANTED**.

The application has an international filing date of 28 February 2003 under 35 U.S.C. §363 and a date under 35 U.S.C. §§371(c)(1), (c)(2) and (c)(4) of 17 November 2004. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Stephen A. Littlefield
Baker Petrlolite Division
Bakers Hughes Incorporated 12645 West Airport Blvd
Sugar Land TX 77478

COPY MAILED
OCT 0 2 2006
OFFICE OF PETITIONS

In re Application of
Sunder Ramachandran
Application No. 10/477,241
Filed: November 10, 2003
Attorney Docket No. 194-26714-WO-US

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 3, 2006, to revive the above-identified application.

The above-identified application became abandoned for failure to file a timely response to the nonfinal Office Action, mailed July 13, 2005, which set a three-month shortened statutory period for reply. The above-identified application became abandoned on October 14, 2005. A Notice of Abandonment was mailed on February 2, 2006.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of an amendment, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **granted.**

The Office finance records indicate that the Office mistakenly charged petitioner a duplicate petition fee of $1,500.00. The $1,500.00 fee will be refunded to the Deposit Account.

This matter is being referred to Technology Center Art Unit 3676.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning the examination procedures or status of the application should be directed to the Technology Center.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

08 MAY 2006

DAE | IFW

UNITED STATES 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 IAP46
MAY 08 2006
PATENT & TRADEMARK OFFICE

TJ Watson Research Center
Po Box 218
Yorktown Heights NY 10598

In Re Application of TACHIBANA et al. Serial No.: 10/477,243 PCT No.: PCT/JP02/04671 Int. Filing Date: 14 May 2002 Priority Date: NONE Attorney Docket No.: none For: CONTENTS BORDER DETECTION APPARATUS, MONITORING METHOD AND CONTENTS LOCATION DETECTION METHOD AND PROGRAM STORAGE MEDIUM	DECISION ON PETITION

This is a decision on applicant's "PETITION TO WITHDRAW NOTICE OF ABANDONMENT" filed in the United States Patent and Trademark Office (USPTO) on 13 September 2004.

BACKGROUND

On 10 November 2003 applicant filed, *inter alia*, a Transmittal letter (Form PTO 1390) requesting national stage entry under 35 U.S.C. 371 for the above referenced international application. Among the papers filed, applicant provided authorization to charge applicant's deposit account for any fees required.

Subsequently, on 27 May 2004, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant, indicating that applicant had failed to provide the U.S. Basic National fee by the 30 month period, pursuant to 37 CFR 1.495(b)(2).

On 13 September 2004, applicant filed a petition, arguing that the Notification of Abandonment should be withdrawn because authorization to charge his deposit account accompanied the national stage filing on 10 November 2003. Applicant refiled the petition along with supporting documents on 04 April 2006.

DISCUSSION

A review of the application file indicates that applicant authorized the payment of fees relating to this application to his deposit account. This information is found on sheet entitled "REMARKS". The basic national fee of $920 will be charged to applicant's deposit account per his authorization.

CONCLUSION

The Petition to Withdraw the Notice of Abandonment mailed on 27 May 2004 is hereby **VACATED**.

The basic national fee of $920 will be charged to applicant's deposit account per his authorization.

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: 571-272-3286

DT15 Rec'd PCT/PTO 10 NOV 2003

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/477243	INTERNATIONAL APPLICATION NO. PCT/JP02/04671	ATTORNEY'S DOCKET NUMBER JP920010043US1

OIPE IAP45 MAY 08 2006 PATENT & TRADEMARK OFFICE

21. _X_ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....$1080.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....$920.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....$770.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4).....$730.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4).....$100.00

				CALCULATIONS PTO USE ONLY	
ENTER APPROPRIATE BASIC FEE AMOUNT =				$920.00	
Surcharge of $130.00 for furnishing the oath or declaration later than 30 months from earliest claimed priority date (37 CFR 1.49(e)).				$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	$	
Total claims	27 - 20 =	7	x $18.00	$126.00	
Independent claims	10 - 3 =	7	x $86.00	$602.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+$290.00	$	
TOTAL OF ABOVE CALCULATIONS =				$1648.00	
___ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				$	
SUBTOTAL =				$1648.00	
Processing fee of $130.00 for furnishing the English translation later than 30 months from earliest claimed priority date (37 CFR 1.492(f)).				$	
TOTAL NATIONAL FEE =				$1648.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). $40.00 per property +				$	
TOTAL FEES ENCLOSED =				$1648.00	
				Amount to be refunded:	$
				charged:	$

a. ☐ A check in the amount of $_____ to cover the above fee is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of $_____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. X The Commissioner is hereby authorized to charge any additional fee which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING**: Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

T.J. Watson Research Center
P.O. Box 218
Yorktown Heights, NY 10598
914-945-2885

Louis Herzberg
SIGNATURE

Louis P. Herzberg
NAME

41,500
REGISTRATION NUMBER

Express Mail: EL982792215US
Date of Deposit: Nov. 10, 2003

BEST AVAILABLE COPY

ATTACHMENT 1

OIPE IAP40
MAY 0 8 2006
PATENT & TRADEMARK OFFICE

REMARKS

The specification is amended herewith to include a cross-reference and claim of priority to both the PCT application and the original 2001-148439 application.

Please enter this preliminary amendment before calculating the claim fees for this application. It includes a complete listing of the claims in the application. Claim 18 is corrected and claims 19-27 are added to better protect the invention.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge fees for this application to account no. 09-0468.

Respectfully submitted,

By Louis Herzberg

Louis P. Herzberg
Reg. No. 41,500

IBM Corporation
Intellectual Property Law Dept.
P.O. Box 218
Yorktown Heights, NY 10598
Tel.: (914) 945-2885

BEST AVAILABLE COPY

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

IBM CORPORATION, T.J. WATSON RESEARCH CENTER
P.O. BOX 218
YORKTOWN HEIGHTS, NY 10598

Mail Date: 04/20/2010

Applicant	: Ryuki Tachibana	: DECISION ON REQUEST FOR
Patent Number	: 7606388	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/477,243	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1068** 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 SEP 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

OSHA & LIANG LLP
1221 McKinney Street
Suite 2800
Houston, TX 77010

In re Application of :
WHEALS, Jonathan Charles :
Application No.: 10/477,245 :
PCT No.: PCT/GB02/02212 : **DECISION**
Int. Filing Date: 13 May 2002 :
Priority Date: 11 May 2001 :
Attorney Docket No.: 04630/028001 :
For: VEHICLE TRANSMISSION SHIFT :
QUALITY :

This decision is in response to applicant's' "Request to Correct Filing Receipt" filed on 03 September 2004 and again on 18 August 2005 which are treated under 37 CFR 1.181 and hereby **GRANTED** as follows:

Applicant states that the serial numbers of the parent applications are missing from the filing receipt and requests a corrected filing receipt with the serial numbers added. A review of the declaration and international publication ("WO 02/092379") verifies that the parent applications: GREAT BRITAIN 0111582.3 11/05/2001 and GREAT BRITAIN 0205006.0 04/03/2002 should have been listed on the filing receipt.

Moreover, the Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) mailed 30 July 2004 erroneously indicates no priority date in the above-captioned application.

Accordingly, the Form PCT/DO/EO/903 and filing receipt mailed 30 July 2004 are both hereby **VACATED**. A corrected filing receipt will be mailed with this decision.

This application is being forwarded to the DO/EO/US to mail a corrected Form PCT/DO/EO/903 indicating a priority date of 11 May 2005. The application will then be forwarded to Technology Center 3600 for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/477,245	07/12/2004	3681	1810	04630/028001	8	24	7

CONFIRMATION NO. 7251

CORRECTED FILING RECEIPT

OC000000016913692

22511
OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

Date Mailed: 09/01/2005

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

Applicant(s)

Jonathan Charles Wheals, Leicestershire, UNITED KINGDOM;

Power of Attorney:

Jonathan Osha–33986

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/GB02/02212 05/13/2002

Foreign Applications

UNITED KINGDOM 0111582.3 05/11/2001
UNITED KINGDOM 0205006.0 03/04/2002

If Required, Foreign Filing License Granted: 08/31/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/477,245

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Vehicle transmission shift quality

Preliminary Class

477

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

31 MAR 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

Clifford W. Browning
WOODARD, EMHARDT et al. LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

In re Application of
HAHN, Thilo *et al*
Application No.: 10/477,255
PCT No.: PCT/DE02/01222
Int. Filing Date: 04 April 2002
Priority Date: 12 May 2001
Attorney Docket No.: 16795-5
For: STACKING DEVICE FOR A MACHINE FOR PROCESSING SHEETS AND METHOD . . .

COMMUNICATION

This communication is in response to the declaration submitted on 23 December 2003.

The declaration was signed by all four inventors listed on the international publication. However, the first named inventor listed his name as Thilo HAHN on the declaration, rather than the way it appears on the international publication, *i.e.*, Thilo FRITSCHIE. 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* from the International Bureau in the record.

If the first 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 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 in a timely fashion will result in the abandonment of this application.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

COPY MAILED

MAR 1 2 2007

OFFICE OF PETITIONS

In re Application of

Shahaf, et al.

Application No. 10/477,278

Filed: November 12, 2003

Attorney Docket No. CM01053S

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), October 19, 2006, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of $1400.00 and publication fee of $300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed April 22, 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 July 23, 2005. A Notice of Abandonment was mailed on May 26, 2006.

The issue fee and publication fee were received on July 18, 2006.

Form PTOL-85B, filed October 19, 2006, is noted and made of record.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 11, 2006

TO SPE OF : ART UNIT 1623

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/477293 Patent No.: 7,091,337 B2

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

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

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

Elisha Evans

Certificates of Correction Branch

703-308-9390 ext. 110

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

SPE

11/01/06

Art Unit

PTO/SB/44 (04-05)
Approved for use through 04/30/2007. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,091,337

APPLICATION NO.: 10/477,293

ISSUE DATE : August 15, 2006

INVENTOR(S) : Luigi De Ambrosi, Sergio Gonella, Elena Vismara

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:

At column 6, line 50, Claim 4, a comma --,-- should be inserted between "n-butanol" and "isobutanol";

At column 6, line 51, Claim 4, "tetrahydroflirane" should be changed to --tetrahydrofurane--;

At column 6, line 60, Claim 7 should be deleted in its entirety.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Leon R. Yankwich, Yankwich & Associates, P.C., 201 Broadway, Cambridge, MA 02139

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.

SEP 20 2006

02 JUN 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

Jonathan M. Harris
CONLEY ROSE, P.C.
P.O. Box 3267
Houston, TX 77253-3267

In re Application of
HU, Qingmao *et al*
U.S. Application No.: 10/477,295
PCT No.: PCT/SG02/00006
Int. Filing Date: 18 January 2002
Priority Date: None
Attorney Docket No.: 2060-02100
For: METHOD AND APPARATUS FOR DETERMING SYMMETRY IN 2D AND 3D IMAGES

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

Applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed with the national stage papers in the above-captioned application on 10 November 2003 is hereby **GRANTED** as follows:

The appropriate basic national fee and petition fee have been paid. Applicants state that "[t]he entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration was not included with any of the papers submitted.

Accordingly, this application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee of $130.00 pursuant to 37 CFR 1.492(e) is required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

15 JUN 2004

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jonathan M. Harris
CONLEY ROSE, P.C.
P.O. Box 3267
Houston, TX 77253-3267

In re Application of HU, Qingmao *et al* U.S. Application No.: 10/477,295 PCT No.: PCT/SG02/00006 Int. Filing Date: 18 January 2002 Priority Date: None Attorney Docket No.: 2060-02100 For: METHOD AND APPARATUS FOR DETERMINING SYMMETRY IN 2D AND 3D IMAGES	:	**DECISION**

This decision is in response to applicants' "Request to Rescind Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed via facsimile on 09 June 2004.

Applicants' request is hereby **GRANTED** as follows:

A review of the underlying international application reveals that the international filing date was 18 January 2002 and applicants' claimed no priority date. Accordingly, the thirty-month period had not yet expired when applicants entered the national stage on 10 November 2003.

Thus, the decision dated 02 June 2004 is deemed moot and has been **VACATED**.

The petition fee of $1,330.00 will be credited to Deposit Account No. 03-2769.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee pursuant to 37 CFR 1.492(e) is required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 26 2006

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168

In re Application of:	:	**ON PETITION**
Wolfgang Abele et al.	:	37 CFR 1.181
Application No. 10/477,312	:	Requesting Consideration of
Filed: May 5, 2004	:	Foreign documents in an IDS
Attorney Docket No. F-8024	:	

This decision is in response to the petition filed November 7, 2005 requesting the consideration of three foreign documents (DE 19828513, DE 19755094, DE 19849326) cited in an Information Disclosure Statement filed November 10, 2003 at the time of filing of the above noted national stage application.

The examiner did not consider the three foreign documents noted above because the information disclosure statement filed 11/10/03 was deemed as not complying with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document be provided and no such copies were determined as being present. Upon viewing the electronic record (eDAN) it has been determined that such statement is correct; there are no copies present. Thus, the examiner's observation was accurate. However, as pointed out by Petitioner, a requirement for eligibility into national stage status is the submittal of any documents contained on a foreign search report. Petitioner has provided as evidence a copy of the "Notice of Acceptance of Application under 35 USC 371" which lists "copy of references cited in ISR filed on 11/10/2003" as being received. Thus, since national stage status was granted, the examiner should have contacted the PCT office for retrieving a copy of such documents so that the information disclosure statement could be considered. It is noted that the examiner cited US 6422336 an equivalent of DE 19828513 on a PTO 892 during prosecution.

The Petition is **GRANTED**.

Accordingly, the new IDS accompanying the Petition will be forwarded to the examiner for consideration of the three foreign documents and a determination with respect to the patentability of the claimed invention.

Robert Oberleitner
Director, Technology Center 3600
(571) 272-3600

LM/KJD: 1/24/06

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

COPY MAILED
JUN 0 8 2006
OFFICE OF PETITIONS

In re Application of :
Osamu Sugihara :
Application No. 10/477,318 : ON PETITION
Filed: May 20, 2004 :
Attorney Docket No. ORI-0010

This is a decision on the petition filed, June 8, 2006 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 16, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2841 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Amendment.

Irvin Dingle
Petitions Examiner
Office of Petitions

---

[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

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

COPY MAILED

MAY 10 2007

OFFICE OF PETITIONS

In re Patent No. 7,116,558 :
Issue Date: October 3, 2006 :
Application No. 10/477,318 : DECISION ON PETITION
Filed: May 20, 2004 :
Attorney Docket No. ORI-0010 :

This is a decision on the petition under 37 CFR 1.183 filed November 17, 2006, which is being treated as a petition under 37 CFR 3.81(b) to accept the correction of the assignee on the front page of the above-identified patent. This is also a decision on the petition under 37 CFR 1.182 to reprint the assignee's name on the front page of the Letters Patent.

The petition under 37 CFR 3.81(b) to correct the assignee's name is **GRANTED**.

The petition under 37 CFR 1.182 to reprint the front page of the Letters Patent is **GRANTED**.

Petitioner is advised that it is the practice of the U. S. Patent and Trademark Office (USPTO) to issue a certificate of correction to correct an error on the part of an application in those cases where the assignee or attorney data is incorrect or was inadvertently not provided at the time of payment of the issue fee or the inventor's name is misspelled or otherwise incorrect. Note 37 CFR 1.323 and MPEP 1482 (35 U.S.C. 255), which states:

> "Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent and Trademark Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would constitute new matter or would require re-examination. Such patent, together with the certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such correct form."

In view of the above, and since the desired correction of the assignee's name can be effected by way of a certificate of correction, it is unnecessary to reprint the front page of the Letters Patent.

However the USPTO will reprint the front page of the Letters Patent if the following conditions are met:

1. Submission of a petition under 37 CFR 1.182
2. Payment of a $400 petition fee
3. Payment of a $100 fee to place a certificate of correction in the USPTO archives

A $400.00 Rule 182 petition fee will be charged to deposit account no. 18-0013.

Since petitioner has met the conditions noted above, the front page of the Letters Patent will be reprinted to include the assignee's name.

Petitioner is advised that the reprinted Letters Patent granted by this petition is the only one which will reflect the correction of the assignee's name on the front page. All other copies of the patent will reflect the correction of the assignee's name by the presence of a certificate of correction in Office records.

The file is being referred to the Certificates of Correction Branch for appropriate processing of a certificate of correction to be placed in the archives of the USPTO and for reprinting the front page of the original Letters Patent.

The request for 10 photocopies of the reprinted Letters Patent will be addressed in Certificates of Correction Branch.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230. Telephone inquiries regarding the reprinting of the front page of the Letters Patent should be directed to Krystal Paige in the Publishing Division at (703) 308-9250, Ext. 139.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

cc: Krystal Paige, South Tower, 8th Floor (Fax No. (571) 273-9756

27 AUG 2004

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

In re Application of AKIBA et al	:	
U.S. Application No.: 10/477,328	:	
PCT Application No.: PCT/JP02/04617	:	
Int. Filing Date: 13 May 2002	:	DECISION
Priority Date Claimed: 14 May 2001	:	
Attorney Docket No.: IKU0109PUSA	:	
For: PARALLEL INFINITE ELEMENT	:	
METHOD CALCULATION SYSTEM	:	

This is in response to applicant's "Petition to Correct Inventive Entity Under 37 C.F.R. § 1.497(d)" filed 28 July 2004.

BACKGROUND

On 13 May 2002, applicant filed international application PCT/JP02/04617, which claimed priority of an earlier Japan application filed 14 May 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 21 November 2002. The thirty-month period for paying the basic national fee in the United States expired on 14 November 2003.

On 11 November 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 30 April 2004, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that a proper oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 28 July 2004, applicant filed the present petition under 37 CFR 1.497(d) along with an executed declaration.

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 ' 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 requisite written consent 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 13 May 2002, and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 28 July 2004.

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
Office of PCT Legal Administration

Telephone: 703-308-6614
Facsimile: 703-308-6459

29 DEC 2004

#7

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of	:	
SNYDER et al.	:	
Application No.: 10/477,329	:	DECISION
PCT No.: PCT/US02/14982	:	
Int. Filing Date: 13 May 2002	:	
Priority Date: 11 May 2001	:	
Attorney Docket No.: 6523-035-999	:	
For: GLOBAL ANALYSIS OF PROTEIN	:	
ACTIVITIES USING PROTEOME CHIPS	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 22 October 2004 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 May 2002, applicants filed international application PCT/US02/14982, which designated the United States and claimed a priority date of 11 May 2001. A copy of the international application was communicated from the International Bureau to the USPTO on 21 November 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 November 2003 (11 November 2003 being a federal holiday).

On 10 November 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, the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date, and an assertion of small entity status.

On 22 March 2004, 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 inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 22 October 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 within the time period set therein.

On 22 October 2004, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five month extension of time, several declarations of the inventors, a declaration of facts by Dawnmarie Portoff, and a declaration of facts by Sebastion Martinek.

DISCUSSION

The NOTIFICATION OF ABANDONMENT mailed 22 October 2004 is hereby VACATED. Applicants' response filed 22 October 2004 which included, *inter alia*, a petition/fee for a five month extension of time was filed timely.

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.

Items (1) and (3) have been satisfied.

Item (2) has not been satisfied. Regarding non-signing joint inventors Scott Bidlingmaier and Ning Lan, the declaration of facts by Dawnmarie Portoff has been considered. However, while both Ning Lan's and Scott Bidlingmaier's most recent places of employment were contacted, it does not appear that an internet search was conducted for either of these inventors. Regarding non-signing joint inventor Metin Bilgin, the declaration of facts by Sebastion Martinek has been considered. As noted in MPEP § 409.03(d), copies of documentary evidence such as internet searches and certified mail return receipts should be provided. Mr. Martinek states in his declaration that he did perform an internet search, but a copy of that search has not been provided. It is not clear if a residential address for Metin Bilgin was found during this internet search. If so, the application papers (i.e., specification, including claims, drawings, and oath or declaration) should have been mailed to Metin Bilgin via a non-electronic delivery service with some type of return receipt. It is also noted that to establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "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)." MPEP 409.03(d).

Item (4) has not been satisfied. The declarations filed 22 October 2004 are not in compliance with 37 CFR 1.497(a)-(b). Each declaration includes three pages. Each signed page of each declaration appears different than the other two pages of each declaration. For example, many of the signed pages appear to have been faxed at some point while the unsigned pages do

not appear to have been faxed. This suggests that the other two pages of the declaration were not associated with the page being signed at the time of execution, thus rendering the execution improper. A copy of the entire declaration submitted to applicant(s) for signing must be provided. Each executed declaration must identify all of the inventors and the citizenship of all of the inventors. Also, each submitted declaration must be complete, even if executed by only one of the inventors.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(a) at this time.

CONCLUSION

For the above reasons, the NOTIFICATION OF ABANDONMENT mailed 22 October 2004 is VACATED.

For the above reasons, applicants' 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. **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(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

24 MAR 2005

#9

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of	:	
SNYDER et al.	:	
Application No.: 10/477,329	:	DECISION
PCT No.: PCT/US02/14982	:	
Int. Filing Date: 13 May 2002	:	
Priority Date: 11 May 2001	:	
Attorney Docket No.: 6523-035-999	:	
For: GLOBAL ANALYSIS OF PROTEIN	:	
ACTIVITIES USING PROTEOME CHIPS	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 10 March 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 May 2002, applicants filed international application PCT/US02/14982, which designated the United States and claimed a priority date of 11 May 2001. A copy of the international application was communicated from the International Bureau to the USPTO on 21 November 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 November 2003 (11 November 2003 being a federal holiday).

On 10 November 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, the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date, and an assertion of small entity status.

On 22 March 2004, 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 inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 22 October 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 within the time period set therein.

On 22 October 2004, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five month extension of time, several declarations of the inventors, a declaration of facts by Dawnmarie Portoff, and a declaration of facts by Sebastion Martinek.

On 29 December 2004, a decision was mailed vacating the NOTIFICATION OF ABANDONMENT mailed 22 October 2004 and dismissing applicants' petition under 37 CFR 1.47(a) for failing to provide sufficient evidence that nonsigning inventors Ning Lan, Scott Bidlingmaier, and Metin Bilgin could not be reached after diligent effort and for failing to provide a declaration in compliance with 37 CFR 1.497(a)-(b) by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

On 10 March 2005, applicants submitted the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one month extension of time and seven declarations of inventors including declarations executed by previous nonsigning inventors Ning Lan, Scott Bidlingmaier, and Metin Bilgin.

DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the renewed petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The declarations of inventors filed 10 March 2005 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

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, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **10 March 2005**.

Daniel Stemmer
Legal Examiner

PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

COPY MAILED

JUL 27 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Michael Snyder, et al. :
Application No. 10/477,329 :
Filed: March 10, 2005 :
Attorney Docket No. 2493.0020002/RWE/JKM :

This is a decision in response to the petition, filed April 9, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to an Office action mailed July 12, 2006. This decision precedes the mailing of a Notice of Abandonment. On April 9, 2007, the present petition was filed, along with an amendment and a 3-month petition for extension of time.

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.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or within the response period set by statute. In no case, however, may an applicant respond later than the maximum time period set by statute. The extension of time submitted April 9, 2007 was filed when the provisions of 37 CFR 1.136 could no longer be used. Therefore, this application became abandoned when the unextended time for response had expired, i.e., October 13, 2006. Since no extension of time fees are due on a petition for revival, the $1,020 extension fee submitted after abandonment is being credited to counsel's deposit account.

The application is being referred to Technology Center AU 1639 for consideration of the amendment filed April 9, 2007.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

22 MAR 2004

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Harold Pezzner
Connelly Bove Lodge & Hutz LLP
1007 North Orange Street
PO Box 2207
Wilmington, Delaware 19899

In re Application of	:	
MATHEOUD, Patrick	:	
Application No.: 10/477,332	:	DECISION ON PETITION
PCT No.: PCT/EP02/03684	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 03 April 2002	:	
Priority Date: 03 April 2001	:	
Attorney Docket No.: TMG-2508	:	
For: METHOD AND PLANT FOR DISCHARGING A LIQUEFIED GAS BETWEEN A MOBILE SUPPLY TANK AND A SERVICE CONTAINER		

The petition to revive under 37 CFR 1.137(b) filed 18 March 2004 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee of $770 and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

Anthony Smith

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

29 JUN 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

Philip S. Johnson
JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003

In re Application of	:	
LI, Shun-Po, et al.	:	
U.S. Application No.: 10/477,334	:	
PCT No.: PCT/US02/31022	:	DECISION ON PETITION
International Filing Date: 28 September 20002	:	UNDER 37 CFR 1.182
Priority Date: 28 September 2001	:	
Attorney's Docket No.: MCP0322	:	
For: MODIFIED RELEASE DOSAGE FORMS	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.182" filed 24 May 2004. Deposit Account No. 10-0750 will be charged the required petition fee.

BACKGROUND

On 28 September 2002, applicants filed international application PCT/US02/31022 which claimed a priority date of 28 September 2001 and which designated the United States. The deadline for payment of the basic national fee was thirty months from the priority date, 28 March 2004.

On 06 November 2003, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an unsigned declaration. Both the transmittal letter and the unsigned petition list the inventors in the order that they are listed on the international application (with Der-Yang LEE as the first inventor).

On 31 March 2004, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date.

On 24 May 2004, applicants filed a response to the Notification Of Missing Requirements that included the required surcharge payment, an executed declaration, and the petition under 37 CFR 1.182 considered herein. The petition request that the names of the inventors be listed in a different order than that set forth in the international application and the previously filed unsigned declaration. The requested order of inventors is incorporated in the executed declaration filed with the petition, and has Shun-Por LI as the first inventor.

DISCUSSION

The present petition requests that the inventors' names be reordered in this application to correspond with the order of inventors contained in the executed declaration. Applicants have authorized a charge for the required petition fee. Pursuant to applicants request, the order of inventors will be corrected to the requested order, that is: Shun-Por LI, Harry S. SOWDEN, David WYNN, Der-Yang LEE, and Martin THOMAS.

However, a review of the filed declaration reveals that the listed inventors are not identical to the inventors listed on the published international application. Specifically, the international application identifies one of the applicant/inventors as Henry S. SOWDEN, while the declaration identifies this inventor as Harry S. SOWDEN.

Section 605.04(b) of the MPEP states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

In this case, as noted above, one of the applicant/inventors on the international application is identified as Henry S. SOWDEN, while this inventor is identified on the declaration as Harry S. SOWDEN. This appears to be more than a mere typographical error or phonetic misspelling of the applicant's name. If the inventor's name is improperly listed in the filed declaration, a corrected declaration must be submitted. In the alternative, if the declaration is correct and the name listed on the international application is in error, applicants are required to file a petition under 37 CFR 1.182. For the petition to be grantable, it must be accompanied by the requisite petition fee of $130 as well as a statement from the inventor (and any other persons having firsthand knowledge of the error which resulted in the discrepancy between the international application and the declaration). Such statement(s) must set forth the specific circumstances as to how and when the error was made and discovered, and must also state that the mistake was an inadvertent error without deceptive intent.

CONCLUSION

The petition under 37 CFR 1.182 to change the order of the inventors is **GRANTED.** The inventors herein will be listed in the requested order: Shun-Por LI, Harry S. SOWDEN, David WYNN, Der-Yang LEE, and Martin THOMAS.

The declaration filed on 24 May 2004 fails to satisfy 37 CFR 1.497 because, as discussed above, it fails to properly identify the inventor. The declaration therefore cannot be accepted in satisfaction of 35 U.S.C. 371(c)(4).

Applicants must file a proper response within **TWO (2) MONTHS** from the mail date of this decision. Any such response should include either a corrected declaration in which the inventors match those listed in the international application, or a petition under 37 CFR 1.182 (including the required petition fee) to resolve the discrepancy in the name of the inventor, as discussed above. Failure to file a proper response in a timely manner will result in **ABANDONMENT** of the application. Extensions of time are available under 37 CFR 1.136(a).

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

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

28 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Philip S. Johnson
JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003

In re Application of	:	
LI, Shun-Po, et al.	:	
U.S. Application No.: 10/477,334	:	
PCT No.: PCT/US02/31022	:	DECISION ON SECOND
International Filing Date: 28 September 20002	:	PETITION UNDER
Priority Date: 28 September 2001	:	37 CFR 1.182
Attorney's Docket No.: MCP0322	:	(Spelling Of Inventor's Name)
For: MODIFIED RELEASE DOSAGE FORMS	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.182" filed 16 July 2004 seeking to correct inventor SOWDEN's first name from Henry to Harry. Deposit Account No. 10-0750 will be charged the required petition fee.

BACKGROUND

The background for this application is set forth in the decision mailed by this Office on 29 June 2004. In that decision, applicants' petition to change the order in which the applicants are listed in the present application was granted. However, the decision noted that the declaration filed on 24 May 2004 was not acceptable because the listed inventors were not identical to the inventors listed on the published international application. Specifically, the international application identified one of the applicant/inventors as Henry S. SOWDEN, while the declaration identified this inventor as Harry S. SOWDEN.

On 16 July 2004, applicants filed the petition considered herein seeking to correct the inventor's name to Harry S. SOWDEN, as listed on the filed declaration.

DISCUSSION

As noted in the previous decision, a grantable petition to correct the inventor's name must be accompanied by the requisite petition fee of $130 as well as a statement from the inventor (and any other persons having firsthand knowledge of the error which resulted in the discrepancy between the international application and the declaration). Such statement(s) must set forth the specific circumstances as to how and when the error was made and discovered, and must also state that the mistake was an inadvertent error without deceptive intent.

Here, applicants have submitted the required petition fee, an explanation from counsel regarding the discovery of the error and the attempt to correct the error during the international

phase, and a statement from counsel that the error did not involve deceptive intent. However, the petition did not include the required statement from the inventor, Harry S. SOWDEN. Because applicant has not provided a statement from the inventor at issue, all the requirements for a grantable petition have not been submitted.

CONCLUSION

The petition under 37 CFR 1.182 to correct the name of inventor Henry S. SOWDEN to Harry S. SOWDEN is **DISMISSED** without prejudice. The declaration filed on 24 May 2004 remains unacceptable under 37 CFR 1.497 for failure to properly identify the inventors of record.

Applicants must file a proper response within **TWO (2) MONTHS** from the mail date of this decision. Any such response should include the remaining requirement for agrantable petition, that is, the required statement from Mr. SOWDEN, as discussed above. Failure to file a proper response in a timely manner will result in **ABANDONMENT** of the application. Extensions of time are available under 37 CFR 1.136(a).

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

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

14 JUN 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

Philip S. Johnson
JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003

In re Application of: LI, Shun-Po, et al.	:	
U.S. Application No.: 10/477,334	:	DECISION ON RENEWED
PCT No.: PCT/US02/31022	:	SECOND PETITION UNDER
International Filing Date: 28 September 20002	:	37 CFR 1.182
Priority Date: 28 September 2001	:	(Spelling Of Inventor's Name)
Attorney's Docket No.: MCP0322	:	
For: MODIFIED RELEASE DOSAGE FORMS	:	

In a decision mailed by this Office 28 September 2004, applicants' petition under 37 CFR 1.182 to correct the spelling of an inventor's name was dismissed without prejudice for failure to satisfy the requirements of a grantable petition. On 17 November 2004, applicants filed the "Communication In Furtherance To Renewed Petition Under Rule 1.182" considered herein. The submission includes, among other materials, a statement from inventor Harry S. SOWDEN confirming that his correct name is Harry S. SOWDEN, as listed in the declaration, and that the listing of his first name as "Henry" in the international application was an error. The present submission, in combination with the earlier materials, satisfies the requirements for a grantable petition. The petition for correction of the inventor's name is **GRANTED**.

The name of record of the inventor identified in the international application as Henry S. SOWDEN is corrected to Harry S. SOWDEN. Based on this correction, the declaration filed 24 May 2004 is now acceptable.

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 24 May 2004.

It is noted that, pursuant to an earlier decision mailed herein on 29 June 2004, the names of the inventors in this application are to be listed in the following order: Shun-Por LI, Harry S. SOWDEN, David WYNN, Der-Yang LEE, and Martin THOMAS.

Richard M. Ross
PCT Petitions Attorney
Office Of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

DEC 0 6 2006

OFFICE OF PETITIONS

In re Application of	:	
LI, et al.	:	
Application No. 10/477,334	:	DECISION ON PETITION
Filed: May 24, 2005	:	TO WITHDRAW
Attorney Docket No. MCP0322	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed May 20, 2005.

The request is **NOT APPROVED**.

A review of the file record indicates that Richard A. Nebb does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **JOHNSON & JOHNSON**
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Orum & Roth
Intellectual Property Law
Commercial Law Litigation
53 West Jackson Boulevard
Chicago IL 60604-3606

COPY MAILED

OCT 1 0 2006

OFFICE OF PETITIONS

In re Application of	:	
RAPP	:	
Application No. 10/477,335	:	DECISION ON PETITION
Filed: December 15, 2003	:	TO WITHDRAW
Attorney Docket No. 13633	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed July 16, 2006.

The request is **APPROVED**.

A review of the file record indicates that Catherine L. Gemrich: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Catherine L. Gemrich has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

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

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

The correspondence address remains unchanged.

Telephone inquires concerning this decision should be directed to Patricia Volpe at 571-272-6825.

for David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Marshall Gerstein & Borun
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6357

Mail Date: 04/21/2010

Applicant	: Richard O'Dell	: DECISION ON REQUEST FOR
Patent Number	: 7632908	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/477,337	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/16/2004	: 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.

15 MAR 2006

#8

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Blvd., Seventh Floor
Los Angeles, CA 90025-1030

In re Application of :
MATEFI-TEMPFLI *et al* :
U.S. Application No.: 10/477,345 :
PCT No.: PCT/EP02/04888 :
Int. Filing Date: 03 May 2002 :
Priority Date: 08 May 2001 :
Attorney Docket No.: 6262.P0002 :
For: METHOD, APPARATUS AND :
SYSTEM FOR ELECTRO-DEPOSITION :
OF A PLURALITY OF THIN LAYERS :
OF A SUBSTRATE :

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

This decision in response to the papers filed on 26 January 2006.

BACKGROUND

On 06 November 2003, applicant filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371 of PCT/EP02/04888.

On 24 March 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 26 January 2006, applicants filed a response to the Form PCT/DO/EO/905 which included an executed declaration, the $65.00 surcharge fee and a petition to revive under 37 CFR 1.137(b).

DISCUSSION

A petition to revive pursuant to 37 CFR 1.137(b) requires: (1) a proper 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 to the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

In this case, petitioners submitted the petition fee for a small entity of $750.00. Applicants' statement in the petition meets the requirement of 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Therefore, items (2), (3) and (4) of 37 CFR 1.137(b) are satisfied.

With regards to item (1), applicants submitted the surcharge fee and an executed declaration.

However, it appears that the first page of the declaration was altered after execution. The date of the inventors' signature on the declaration is 03 November 2003. The above-captioned national stage application was not filed until 06 November 2003. But the first page of the declaration contains the U.S. application number. This number was not known at the time of execution. The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. *See* § 602.01 MPEP. Thus, the declaration is not in compliance with 37 CFR 1.497(a) and (b). Item (1) is incomplete.

CONCLUSION

Applicants' petition is **DISMISSED** without prejudice.

The application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. A proper response requires submitting a declaration in compliance with 37 CFR 1.497(a) and (b). Extensions of time may be obtained under 37 CFR 1.136(a).

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

23 JUN 2006

#10

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Blvd., Seventh Floor
Los Angeles, CA 90025-1030

In re Application of
MATEFI-TEMPFLI *et al*
U.S. Application No.: 10/477,345
PCT No.: PCT/EP02/04888
Int. Filing Date: 03 May 2002
Priority Date: 08 May 2001
Attorney Docket No.: 6262.P0002
For: METHOD, APPARATUS AND SYSTEM FOR ELECTRO-DEPOSITION OF A PLURALITY OF THIN LAYERS OF A SUBSTRATE

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

Applicants' response filed on 15 May 2006 is treated as a renewed petition to revive under 37 CFR 1.137(b) and hereby **GRANTED** as follows:

As noted in the decision mailed 15 March 2006, applicants failed satisfy item (1) of 37 CFR 1.137(b) which would require a declaration in compliance with 37 CFR 1.497(a) and (b) be provided. All other items of 37 CFR 1.137(b) were completed.

In the response filed 15 May 2006, a declaration in compliance with 37 CFR 1.497(a) and (b) was submitted. The surcharge fee of $65.00 has been paid. Accordingly, all requirements under 37 CFR 1.137(b) are now satisfied.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 03 May 2002 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 15 May 2006.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

26 APR 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

Edwin D. Schindler
Five Hirsch Avenue
P.O. Box 966
Coram, New York 11727-0966

In re Application of	:	
GREEN, Robert	:	
Application No.: 10/477,349	:	DECISION ON
PCT Application No.: PCT/AU02/00151	:	
International Filing Date: 14 February 2002	:	PETITION
Priority Date: 02 March 2001	:	
For: INTERNET BILLING SYSTEM	:	UNDER 37 CFR 1.137(b)

Applicant's "Petition To Revive Abandoned Application Under the Provisions of 37 CFR §1.137(b)," filed in the United States Patent and Trademark Office on 07 November 2003 is GRANTED.

BACKGROUND

On 14 February 2002, applicant filed international application number PCT/AU02/00151, claiming priority of an earlier Australian application, filed on 02 March 2001. A copy of the international application was transmitted to the USPTO by the International Bureau on 12 September 2002. The United States of America was designated in the Request. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 September 2003, with the result that the international application became abandoned as to the United States of America on that date.

On 07 November 2003, the present petition to revive was submitted along with the required petition fee. On 07 November 2003, applicant also filed a preliminary amendment, accompanied by, *inter alia*, the basic national fee and inventor declaration.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

With regard to item (1) above, applicant has stated that "the entire period of delay in meeting the outstanding requirements for entry into the U.S. National Phase of the above-identified P.C.T. application was unintentional." In view of the simultaneous filing of the outstanding requirements for national stage entry and the instant Petition, applicant's 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 under 37 CFR 1.137(b) was unintentional." Should this interpretation be incorrect, Petitioner must notify the United States Patent and Trademark Office. The statement in the Petition is accepted in satisfaction of 37 CFR 1.137(b)(3). Hence, the requirement of item (1) above is satisfied.

With regard to item (2) above, applicant has filed the national stage filing papers and fees on 07 November 2003, meeting the requirements of item (2) above.

With regard to item (3) above, applicant has provided the required petition fee, meeting the requirement of item (3) above.

With regard to item (4), a terminal disclaimer is not required as application was filed after 08 June 1995.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Further, a review of the application file reveals that all of the requirements of 35 USC 371(c)(1), (c)(2), and (c)(4) for entry into the National Stage in the United States have also been satisfied on 07 November 2003.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is GRANTED as to National Stage in the United States of America.

The application has an international filing date of 14 February 2002 under 35 U.S.C. 363 and a date of 07 November 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.

Michael La Villa
Detailee
Office of PCT Legal Administration
Telephone: (703) 308-6162
Facsimile: (703) 308-6459

Leonard E. Smith
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (703) 305-6461
Facsimile: (703) 308-6459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 3, 2008

TO SPE OF : ART UNIT 1746

SUBJECT : Request for Certificate of Correction for Appl. No 10/477361patent no7182852

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

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

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

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

SPE

1795

Art Unit

07 SEP 2004

#4

UNITED STATES PATENT and TRADEMARK OFFICE

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

Michael R. Davis
Wenderoth, Lind & Ponack, L.L.P.
2033 K. Street N.W.
Washington, D.C. 20006-1021

In re Application of Itoh Serial No.: 10/477,370 PCT No.: PCT/JP02/04452 Int. Filing Date: 08 May 2002 Priority Date: 09 May 2001 Attorney's Docket No.: 2003-1586A For: AZOLE COMPOUND, PROCESS FOR PRODUCING THE SAME AND USES THEREOF	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is responsive to the "SECOND REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT" filed 23 July 2004. No fee is due.

BACKGROUND

On 08 May 2002 applicants filed international application PCT/JP02/04452, which claimed priority of an earlier Japanese application filed 09 May 2001. The thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 09 November 2003.

On 07 November 2003, applicant filed a transmittal letter for entry into national stage in the United States. The transmittal letter was accompanied by a translation of the international application, the declaration, an IDS, an assignement and the basic national fee of $920. These papers were assigned Application No. 10/477,370.

On 21 January 2004, the United States Patent and Trademark Office (USPTO) in its capacity as an Elected Office mailed out a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909) indicating that the applicantion had gone abandoned for failure to provide a copy of International Application by 30 months.

DISCUSSION

MPEP § 503 states, in part:

> "If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO."

Applicant has included a postcard that indicates that the application papers were filed on 07 November 2003. Further, applicant included the basic national fee. As evidence that a copy of the international application was timely received, applicant has also filed a copy of the "NOTICE INFORMING THE APPLICATION OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES" (form PCT/IB/308) which indicates that the application was forwared to the United States Designated Office.

CONCLUSION

The petition to revive the application is **GRANTED**.

The application is being returned to the United States Designated/Elected Office for processing in accordance with this decision; and, if appropriate, a Notification of Acceptance of Application (Form PCT/DO/EO/903) will be mailed showing a 35 U.S.C. 371 date of 07 November 2003.

Debra Brittingham
PCT Legal Examiner
PCT Legal Office

Richard Cole
PCT Legal Examiner
PCT Legal Office

Tel: (703) 305-3401
Fax: (703) 308-6459

06 JUL 2004

#3

UNITED STATES PATENT and TRADEMARK OFFICE

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

Felix J. D'Ambrosio
Jones, Tullar & Cooper, P.C.
P.O. Box 2266 Eads Station
Arlington, VA 22202

In re Application of	: DECISION ON
KUMPF, Erich	:
Application No.: 10/477,391	:
PCT No.: PCT/EP02/03813	: PETITION UNDER
Int. Filing Date: 05 April 2002	:
Priority Date: 07 April 2001	: 37 CFR 1.137(b)
Attorney's Docket No.: 310-020	:
For: NETS FOR BODIES OF WATER	:

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.137(b)," filed on 12 November 2003.

BACKGROUND

On 05 April 2002, this international application was filed, claiming an earliest priority date of 07 April 2001.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 was 07 October 2003.

On 12 November 2003, applicants filed the instant petition under 37 CFR 1.137(b) and Transmittal letter for entry into the national stage in the United States, which was accompanied by, basic national fee, and an executed declaration was filed at such time.

DISCUSSION

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

Applicants' statement that "[T]he failure to file the U.S. national phase application was unintentional" 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 this paragraph was unintentional. Applicants 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).

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, and (2) the petition fee set forth in §1.17(m). 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).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

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

07 APR 2004

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Larry J. Hume
Connolly Bove Lodge & Hutz, LLP
1990 M Street, NW, Suite 800
Washington DC 20036

In re Application of BORZONE Serial No.: 10/477,403 PCT No.: PCT/EP01/14181 Int. Filing Date: 26 November 2001 Priority Date: 01 December 2000 Attorney's Docket No.: 22106-00045-US For: SPRAY BOOTH WITH IMPROVED ELECTROSTATIC DISK	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 12 November 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 $920 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. The $130 surcharge for filing the oath or declaration after the thirty month period has been paid. The 35 U.S.C. 371(c)(1),(c)(2) and (c)(4) date is **12 November 2003.**

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
Office of Patent Cooperation Treaty
Legal Administration Office

Telephone: (703) 306-5467
Facsimile : (703) 308-6459

02 NOV 2003

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON PEABODY
401 9th Street NW
Suite 900
Washington, D.C. 20004-2128

In re Application of:	:	
MOULDING, Daniel	:	DECISION ON PETITION UNDER
U.S. Application No.: 10/477,424	:	37 CFR 1.47(b)
PCT No.: PCT/GB02/02487	:	
International Filing Date: 28 May 2002	:	
Priority Date: 31 May 2001	:	
Attorney's Docket No.: 041618-74	:	
For: REGENERATION OF AIR DRYER	:	

This decision is issued in response to the "Petition Under 37 CFR 1.47(b)" filed 10 September 2004. Petitioner has paid the required petition fee.

BACKGROUND

On 28 May 2002, applicant filed international application PCT/GB02/02487 which claimed a priority date of 31 May 2001 and which designated the United States. On 05 December 2002, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 November 2003.

On 13 November 2003, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 10 May 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that a declaration acceptable under 37 CFR 1.497 was required.

On 10 September 2004, petitioner filed a response to the Notification Of Missing Requirements, accompanied by the required extension fee. The response consisted of the petition under 37 CFR 1.47(b) considered herein. The petition seeks acceptance of the application without the signature of the sole inventor, Daniel MOULDING.

DISCUSSION

A grantable petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17; (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 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 present petition satisfies items (1), (3), (4) and (6).

Regarding item (2), the petition is unclear as to whether petitioner is arguing that the nonsigning inventor has refused to execute the declaration or whether he cannot be reached after diligent effort. Regardless of which argument applies, the present record is insufficient. With respect to a claim that the inventor cannot be located after diligent effort, section 409.03(d) of the MPEP requires firsthand statements and supporting documentation with respect to the efforts made to locate the nonsigning inventor. The petition here provides firsthand evidence that the application materials were twice mailed to the last known address of the inventor. The petition also refers to efforts to reach the inventor on the telephone and by visiting his address, but no firsthand statements are provided confirming the details of these efforts (i.e., a statement from the person(s) who actually made the telephone calls and visited the address). In addition, it is not clear whether the materials or phone messages were actually received by the nonsigning inventor. On the present record, it appears that petitioner's correspondence and phone calls went to the inventor's last known location. However, there is no evidence that petitioner has confirmed that this is still the inventor's address and, if not, what efforts have been made to find the inventor's current address. Absent additional firsthand evidence regarding diligent efforts made to confirm or identify the inventor's current address and telephone number, it cannot be concluded that petitioner has been unable to locate the nonsigning inventor after diligent effort.

In the alternative, if petitioner is asserting that the inventor has refused to execute the application, the MPEP requires that he first be provided with a copy of the complete application papers, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made." On the present record, the firsthand evidence shows that copies of the application were twice mailed to the inventor's last known address, but no evidence is provided to confirm that these materials were actually received by the inventor (i.e., a proof of receipt signed by the inventor). Where no evidence has been presented demonstrating that the inventor has actually received the application materials or the request for signature, the inventor's failure to respond cannot be interpreted as a constructive refusal to sign the application. Based ont eh above, item (2) is not satisfied on the present record.

With respect to item (5) above, that is, the 37 CFR 1.47(b) applicant's proprietary interest in the application, section 409.03(f) of the MPEP states the following:

When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that:

(A) the invention has been assigned to the applicant, or
(B) the inventor has agreed in writing to assign the invention to the applicant, or
(C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

The basis of the 37 CFR 1.47(b) applicant's claim of proprietary interest here is the employment agreement executed between the inventor and WABCO and the United Kingdom Patent Act of 1977 at Section 39, which states that an employer holds ownership of inventions under certain circumstances. However, the employment agreement provided by petitioner does not specifically refer to inventions or the ownership thereof. Accordingly, petitioner's claim of proprietary interest here falls within category (C), above. The evidence required in such circumstances is set forth in MPEP § 409.03(f) as follows:

> A proprietary interest obtained other 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 signed and prepared 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 Patent Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Petitioner here has not provided such a legal memorandum, nor any supporting evidence to confirm that the invention here falls within the circumstances referred to in the cited United Kingdom Patent Act, that is, evidence that the invention was "made in the course of the normal duties of the employee" or "in the course of duties falling outside his normal duties, but specifically assigned to him." (see MPEP §409.03(f): "When [an employment] 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."). Accordingly, on the present record, item (5) has not been satisfied.

Because petitioner has failed to satisfy items (2) and (5) of a grantable petition under 37 CFR 1.47(b), it is inappropriate to accord the national stage status at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy items (2) and (5) of a grantable petition, as discussed above, in the form required by the MPEP. Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

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

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

27 JAN 2005

#7

UNITED STATES 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 PEABODY
401 9th Street NW
Suite 900
Washington, D.C. 20004-2128

In re Application of:	:	
MOULDING, Daniel	:	DECISION ON RENEWED
U.S. Application No.: 10/477,424	:	PETITION UNDER
PCT No.: PCT/GB02/02487	:	37 CFR 1.47(b)
International Filing Date: 28 May 2002	:	
Priority Date: 31 May 2001	:	
Attorney's Docket No.: 041618-74	:	
For: REGENERATION OF AIR DRYER	:	

This decision is issued in response to petitioner's 30 December 2004 submission of a renewed petition under 37 CFR 1.47(b). No petition fee is required.

BACKGROUND

The procedural background for this application is set forth in the decision mailed by this Office on 02 November 2004. In that decision, petitioner's petition under 37 CFR 1.47(b) was dismissed without prejudice for failure to satisfy all the requirements of a grantable petition. Specifically, petitioner had not provided adequate factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort and proof of proprietary interest in the application by the petitioner.

On 30 December 2004, petitioner filed the renewed petition considered herein.

DISCUSSION

The renewed petition includes statements from Stephen Bennett and Andrew Vaile providing additional firsthand information regarding the efforts made to obtain the signature of the nonsigning inventor. These materials, in combination with those submitted with the original petition, provide an acceptable showing that the nonsigning inventor has refused to execute the present application.

With respect of the issue of proprietary interest, petitioner has submitted a statement from attorney Adrien J. Chettle in which Mr. Chettle concludes that, under the facts and circumstances present here, a court applying the applicable law would conclude that the 37 CFR 1.47(b) applicant, Wabco Automotive UK Limited, is the proprietor of the present invention and the corresponding patent applications. This submission, in combination with the materials submitted with the original petition, provide an adequate showing that the 37 CFF 1.47(b) applicant has a sufficient proprietary interest in the present application.

Petitioner has now satisfied all the requirements for a grantable petition.

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 nonsigning inventor at the last known address set forth in the petition, and 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 PCT Operations Division for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 10 September 2004.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

27 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

Daniel MOURNING
15 Troy Road
Morley
Leeds, West Yorkshire
LS27 8JG
ENGLAND

In re Application of: MOULDING, Daniel
U.S. Application No.: 10/477,424
PCT No.: PCT/GB02/02487
International Filing Date: 28 May 2002
Priority Date: 31 May 2001
Attorney's Docket No.: 041618-74
For: REGENERATION OF AIR DRYER

Dear Mr. MOURNING:

You are identified as the 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 the inventor.

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

Richard M. Ross
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:
NIXON PEABODY
401 9th Street NW
Suite 900
Washington, D.C. 20004-2128

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

COPY MAILED

FEB 24 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Daniel Moulding	:	
Application No. 10/477,424	:	
Filed: September 10, 2004	:	
Attorney Docket No. 041618-74	:	

This is a decision on the petition, filed February 17, 2006, and supplemented on February 22, 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 16, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 3749 will consider the request for continued examination under 37 CFR 1.114.

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. _____

Date : February 23, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) :Daniel Moulding
Application No. :10/477,424
Filed :September 10, 2004

The above-identified application has been assigned Patent No. 7,007,407 and an issue date of March 7, 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 March 7, 2006:

"All reference to Patent No. 7,007,407 to Daniel Moulding of United Kingdom for REGENERATION OF AIR DRYER appearing in the Official Gazette of March 7, 2006 should be deleted since no patent was granted."

Karen Creasy

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

cc: Paul Harrison, MDW-4B03,(FAX-273-5468)
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038
Duane Davis P/OPC MDE-7D89
Tamara Greene, ST-8C13

09 AUG 2005

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

Michael M. Gerardi
Kim & Park
3435 Wilshire Blvd., Suite 1720
Los Angeles, CA 90010

In re Application of		
YOON, Bong Seok	:	
Application No.: 10/477,432	:	DECISION ON
PCT No.: PCT/KR03/01281	:	PETITION
Int. Filing Date: 30 June 2003	:	UNDER 37 CFR 1.182
Priority Date: 20 June 2003	:	
Attorney Docket No.: KKP-1	:	
For: MAGNETIC TOY	:	

This decision is in response to "Petition under 37 CFR 1.182" filed 31 May 2005. The petition fee under 37 CFR 1.17(f) has been submitted.

BACKGROUND

On 06 November 2003, applicant filed a Transmittal Letter for entry into the national stage in the United States which identified the international application as PCT/KR01/01895. Accompanying the transmittal letter, applicants included: (1) a check in the amount of $583; a preliminary amendment; a description, claims, abstract, declaration, and drawings for the invention entitled "Magnetic Toy."

On 31 May 2005, applicant filed "Petition under 37 CFR 1.182" which included: Transmittal Letter for entry into the national stage in the United States which identified the international application as PCT/KR03/01281; the first page of the originally filed declaration; and a preliminary amendment.

DISCUSSION

A review of the international publication for PCT/KR03/01281 reveals that this is the international application corresponding to the application submitted here. **However, the initial Transmittal Letter submitted by applicants misidentified the international application number as PCT/KR01/01895.** Based on applicant's error, a national stage application file was created for PCT/KR01/01895, rather than for PCT/KR03/01281.

On 30 June 2003, applicant filed international application no. PCT/KR03/01281 which claimed a priority date of 20 June 2003, and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 December 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States is to expire 30 months from the priority date, 20 December 2005.

A review of the declaration submitted on 06 November 2003 reveals that the declaration is defective pursuant to 37 CFR 1.497(a), in that, the declaration executes the "attached" specification. However, the attached specification is not the same specification as the international application, as evidence by the first sentence of the specification. As such, the specification filed on 06 November 2003 is in fact a substitute specification that fails to comply with 37 CFR 1.121(b)(3) and 37 CFR 1.125. Therefore, applicants are required to submit a newly executed oath or declaration which executes the proper specification.

It is noted that applicant did not check Box 3 on the transmittal letter (PTO-1390) which states "[t]his is an express request to begin national examination procedures (35 U.S.C. 371(f))" and therefore, national stage processing cannot begin prior to 30 months from the priority date, 20 December 2005.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is **GRANTED**.

The application is being forwarded to the United States Designated/Elected Office to await expiration of 30 months from the priority date, after which national stage processing will begin in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

12-06-07

IFW 1633

OIPE IAP62
DEC 0 5 2007
PATENT & TRADEMARK OFFICE

Express Mail No. ***EV 473 972 538 US***

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Geoffrey C. Gurtner	Confirmation No.: 8883
Application No.: 10/477,433	Group Art Unit: 1633
Filed: July 15, 2004	Examiner: Li, Qian Janice
For: MICROVASCULAR FREE FLAPS FOR LOCAL OR SYSTEMIC DELIVERY	Attorney Docket No.: 5914-094-999

PETITION FOR CORRECTION OF FILING DATE UNDER 37 CFR § 1.10(c)

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

Sir:

Applicants are submitting this Petition, and supporting documents, under 37 C.F.R. § 1.10(c) to accord the proper filing date for the following documents that were mailed by "Express Mail Post Office to Addressee" service ("Express Mail") on June 15, 2007 to the U.S. Patent and Trademark Office ("USPTO"):

(1) Response to Restriction Requirement;
(2) Petition to Extend Time for Five (5) Months;
(3) Supplemental Information Disclosure Statement;
(4) List of References Cited by Applicant; and
(5) Copy of references A13 and C01-C121 on CD-Rom.

Although the Documents 1-5 were deposited on June 15, 2007 with the U.S. Postal Service using Express Mail under 37 C.F.R. § 1.10(a)(1), the USPTO accorded a filing date of June 18, 2007 to these documents as indicated by the stamp of the Office of Initial Patent Examination (OIPE) on the return receipt postcard that was enclosed with the documents on June 15, 2007 (Exhibit A). Under 37 C.F.R. § 1.10(c), any person filing correspondence that

was received by the United States Patent and Trademark Office ("USPTO") and delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service ("USPS"), who can show that there is a discrepancy between the filing date accorded by the USPTO to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-accepted" 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-accepted," and of any other official notation by the USPS relied upon to show the date of deposit.

37 C.F.R. § 1.10(c)(1) Is Satisfied

On July 20, 2007, the docketing department at Jones Day forwarded the return receipt postcard bearing the stamp of OIPE, which incorrectly indicates the filing date as June 18, 2007 instead of June 15, 2007 (Exhibit A), to the patent agent involved in the filing of the above documents on June 15, 2007. Accordingly, the present submission is being made promptly after the person filing the documents became aware that the Office has accorded a filing date other than the USPS deposit date.

37 C.F.R. § 1.10(c)(2) Is Satisfied

Applicants submit herewith as Exhibit B copies of the first pages of Documents 1-5 as evidence that the number of the "Express Mail" mailing label, No. EV 654 849 397 US, was placed on the papers and fees that constitute the correspondence being filed prior to the original mailing by "Express Mail."

Additionally, Applicants submit herewith as Exhibit C a copy of the Express Mail Log from the Records and Docketing Department[1] of Jones Day with certification under 37 C.F.R. § 1.10, signed by Anthony Gray, under Express Mail No. EV 654 849 397 US dated June 15, 2007 listing all documents forwarded to the USPTO via that Express Mail Number on that date. The Log shows that Documents 1-5 were sent June 15, 2007 under Express Mail No. EV 654 849 397 US.

37 C.F.R. § 1.10(c)(3) Is Satisfied

Finally, Applicants submit herewith as Exhibit D a true copy of the "Express Mail" mailing label with label number EV 654 849 397 US showing the "date-accepted" to be June 15, 2007.

Additionally, the tracking results for mailing label with label number EV 654 849 397 US are attached as Exhibit E. The tracking results show a Date of Acceptance by the U.S. Postal Service as June 15, 2007 (highlighted). These tracking results further demonstrate that Documents 1-5 were indeed deposited with the U.S. Postal Service on June 15, 2007.

---

[1] The Log has been redacted to remove all information not relevant to the above-identified application.

Conclusion

Applicants respectfully request that the USPTO accord a filing date of June 15, 2007 to Documents 1-5.

No fee is believed to be due in connection with this petition. However, if any fee is due, please charge Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

by [signature] REG NO 40,203

Date: December 5, 2007

[signature] 30,605

Laura A. Coruzzi (Reg. No.)
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

Express Mail No.: **EV 654 849 397 US**

Date Mailed: June 15, 2007

Application No.: 10/477,433 Filed: July 15, 2004

Inventor: Geoffrey C. GURTNER

For: MICROVASCULAR FREE FLAPS FOR LOCAL OR SYSTEMIC DELIVERY

The stamp of the Patent Office hereon may be taken as an acknowledgment of the date stamped of the following:

(1) Response to Restriction Requirement;
(2) Petition to Extend Time for Five (5) Months;
(3) Supplemental Information Disclosure Statement;
(4) List of References Cited by Applicant; and
(5) Copy of references A13 and C01-C121.

OIPE IAP84
JUN 18 2007
PATENT & TRADEMARK OFFICE

Docket No.: 5914-094-999 Sender:(s): LAC/WJT

Cam No.: 007402-999093

File No: _____ Sender: _____

Express Mail No. EV 654 849 397 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Geoffrey C. Gurtner

Serial No.: 10/477,433

Filed: July 15, 2004

For: MICROVASCULAR FREE FLAPS FOR LOCAL OR SYSTEMIC DELIVERY

Confirmation No.: 8883

Art Unit: 1633

Examiner: Li, Qian Janice

Attorney Docket No: 5914-094-999

RESPONSE TO RESTRICTION REQUIREMENT

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

Sir:

In response to the outstanding Office Action mailed December 18, 2006, in which the Examiner issued a restriction requirement, please enter the amendments and consider the remarks made below in connection with the above-identified patent application. Submitted concurrently herewith is (a) a Petition for an Extension of Time for Response for five (5) months from January 18, 2007 up to and including June 18, 2007, accompanied by the appropriate fee; (b) a Supplemental Information Disclosure Statement accompanied by a List of References Cited; and (c) a copy of each of References A13 and C01-C121.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

Express Mail No. EV 654 849 397 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Geoffrey C. Gurtner	Confirmation No.:	8883
Serial No.:	10/477,433	Art Unit:	1633
Filed:	July 15, 2004	Examiner:	Li, Qian Janice
For:	MICROVASCULAR FREE FLAPS FOR LOCAL OR SYSTEMIC DELIVERY	Attorney Docket No:	5914-094-999

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

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

It is respectfully requested that the time for filing a response to the outstanding Office Action mailed December 18, 2006 be extended for a period of five (5) months from January 18, 2007 up to and including June 18, 2007.

The fee for this extension is estimated to be $ 1,080.00. Please charge the required fee to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: June 15, 2007

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

NYI-3999140v1

Express Mail No.: EV 654 849 397 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Geoffrey C. Gurtner

Application No.: 10/477,433

Filed: July 15, 2004

For: MICROVASCULAR FREE FLAPS FOR LOCAL OR SYSTEMIC DELIVERY

Confirmation No.: 8883

Group Art Unit: 1633

Examiner: Li, Qian Janice

Attorney Docket No.: 5914-094-999

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56 AND §1.97

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

Sir:

In accordance with the continuing duty of disclosure imposed by 37 C.F.R. §1.56 and §1.97 to inform the United States Patent and Trademark Office ("USPTO") of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicant hereby invite the Examiner's attention to references A06-A13 and C01-C121 listed on the attached form entitled "List of References Cited by Applicant."

Copies of references A13 and C01-C121 are submitted herewith. Copies of references A06-A12 are not submitted herewith because they are U.S. patents. Pursuant to 37 C.F.R. § 1.98 (a)(2)(i) as amended (*see* Fed. Reg. vol. 69, no. 182, Sept. 21, 2004), the requirement for providing a copy of each U.S. patent or U.S. patent application publication listed in an Information Disclosure Statement in a patent application, regardless of the filing date of the application, is eliminated.

Identification of the listed references is not meant to be construed as an admission of Applicant or Attorneys for Applicant that such references are available as "prior art" against the subject application.

Applicant respectfully requests that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. 5914-094-999	APPLICATION NO. 10/477,433
	APPLICANT Gurtner	
	FILING DATE July 15, 2004	ART UNIT 1633

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	PAGES, COLUMNS, LINES, WHERE RELEVANT PASSAGES OR RELEVANT FIGURES APPEAR
	A06	5,032,508	07/16/91	Naughton et al.	
	A07	5,759,830	06/02/98	Vacanti et al.	
	A08	5,763,267	06/09/98	Kurjan et al.	
	A09	5,792,603	08/11/98	Dunkelman et al.	
	A10	5,846,828	12/08/98	Peterson et al.	
	A11	5,869,041	02/09/99	Vandenburgh	
	A12	6,218,182	04/17/01	Naughton et al.	
	A13	60/289,452	05/07/01	Gurtner et al.	

FOREIGN PATENT DOCUMENTS

		FOREIGN PATENT DOCUMENT COUNTRY CODE, NUMBER, KIND CODE (IF KNOWN)	DATE	NAME	PAGES, COLUMNS, LINES, WHERE RELEVANT PASSAGES OR RELEVANT FIGURES APPEAR	T

NON PATENT LITERATURE DOCUMENTS

Examiner Initials		(Include name of the author (in CAPITAL LETTERS), Title, Date, Pertinent Pages, Etc.)	T
	C01	ADAMS et al., 1999, "Roles of ephrinB ligands and EphB receptors in cardiovascular development: demarcation of arterial/venous domains, vascular morphogenesis, and sprouting angiogenesis," Genes Dev. 13(3):295-306	
	C02	ANDERSON, 1999, New York Times 44	
	C03	ARDEHALI et al., 2000, "Gene therapy and heart transplantation," Expert Opin Investig. Drugs 9(5):1021-7	
	C04	ARMSTRONG et al., 2001, "Reconstructive microsurgery: reviewing the past, anticipating the future," Clin. Plast. Surg. 28(4):671-86	
	C05	ASAHARA et al., 2000, "Stem cell therapy and gene transfer for regeneration," Gene Ther. 7(6):451-7	
	C06	BABENSEE et al., 1998, "Host response to tissue engineered devices," Adv. Drug. Deliv. Rev. 33(1-2):111-139	
	C07	BALDWIN, 1999, "Advances in understanding the molecular regulation of cardiac development," Curr. Opin. Pediatr. 11(5):413-8	
	C08	BERGER et al., 2000, "The angiogenesis inhibitor, endostatin, does not affect murine cutaneous wound healing," J. Surg. Res. 91(1):26-31	
	C09	BHANDARI et al., 2001, "Liver tissue engineering: a role for co-culture systems in modifying hepatocyte function and viability," Tissue Eng. 7(3):345-57	

EXAMINER	DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EV654849397US

DATE: June 15, 2007

THE EXPRESS MAIL NUMBER OF THE DAY IS: EV 654 849 397 US

THE PERSON TAKING EXPRESS MAIL TO THE POST OFFICE IS: Anthony Gray

EXPRESS MAIL CERTIFICATION

"Express Mail" label No. EV 654 849 397 US Date of Deposit June 15, 2007 I hereby certify that the below-listed papers or fees were inserted into a package that was addressed to the Commissioner For Patents, PO BOX 1450 Alexandria, Virginia 22313-1450 and was deposited by me with the United States Postal Service "Express Mail Post Office Addressee" service under 37 C.F.R. 1.10 on the date indicated above.

Signature: Anthony Gray Date: 6-15-07

LAC; WJT	5914-094-999 (CAM 007402-999093) JP	1) Response to Restriction Requirement; 2) Petition to Extend Time for Time (5) Months; 3) Supplemental Information Disclosure Statement; 4) List of References Cited by Applicant; and 5) Copy of References A13 and C01-C121.		

EV 654849397 US

Customer Copy
Label 11-F, April 2004

EXPRESS MAIL
UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL SERVICE USE ONLY)

PO ZIP Code: 10017	Day of Delivery: ☐ Next ☐ 2nd ☐ 2nd Del. Day	Postage: $ 4.80
Date Accepted: Mo. 6 Day 15 Year 07	Scheduled Date of Delivery: Month Day 6/18/07	Return Receipt Fee: $
Time Accepted: ☐ AM ☐ PM 2:00	Scheduled Time of Delivery: ☐ Noon ☐ 3 PM	COD Fee: $ / Insurance Fee: $
Flat Rate ☐ or Weight: 1 lbs. 8 ozs.	Military: ☐ 2nd Day ☐ 3rd Day	Total Postage & Fees: $
	Int'l Alpha Country Code	Acceptance Emp. Initials: WB

DELIVERY (POSTAL USE ONLY)

Delivery Attempt: Mo. Day	Time: ☐ AM ☐ PM	Employee Signature
Delivery Attempt: Mo. Day	Time: ☐ AM ☐ PM	Employee Signature
Delivery Date: Mo. Day	Time: ☐ AM ☐ PM	Employee Signature

☐ WAIVER OF SIGNATURE (Domestic Express Mail Only): [illegible] void if waiver of signature is requested. Initial delivery [illegible] of addressee or addressee's agent (if delivery employee knows that addressee can be found at this location) and I authorize that delivery employee [illegible]

NO DELIVERY: ☐ [illegible] ☐ [illegible] Customer (Signature)

CUSTOMER USE ONLY

METHOD OF PAYMENT:

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or Postal Service Acct. No.

FROM: (PLEASE PRINT) PHONE (212) 326 3789

JONES DAY REAVIS & POGUE
222 E 41ST ST FL2 MAILROOM
NEW YORK NY 10017-6739

TO: (PLEASE PRINT) PHONE ( )

COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA VA 22313-1450

FOR PICKUP OR TRACKING: Visit **www.usps.com** or Call 1-800-222-1811

EMS

UNITED STATES POSTAL SERVICE

Home | Help

Track & Confirm

Track & Confirm

Search Results

Label/Receipt Number: EV65 4849 397U S
Detailed Results:

- Delivered, June 18, 2007, 6:07 am, ALEXANDRIA, VA 22313
- Arrival at Pick-Up-Point, June 16, 2007, 10:48 am, ALEXANDRIA, VA 22313
- Arrival at Unit, June 16, 2007, 10:39 am, MERRIFIELD, VA 22081
- Acceptance, June 15, 2007, 8:25 pm, NEW YORK, NY 10017

Track & Confirm

Enter Label/Receipt Number.

< Back

Return to USPS.com Home >

Notification Options

Track & Confirm by email

EV 654849397 US

Customer Copy
Label 11-F, April 2004

EXPRESS MAIL
UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL SERVICE USE ONLY)

PO ZIP Code: 10017	Day of Delivery: ☐ Next ☐ 2nd ☐ 2nd Del. Day	Postage: $ 4.80
Date Accepted: Mo. 6 Day 15 Year 07	Scheduled Date of Delivery: Month Day	Return Receipt Fee: $
Time Accepted: ☐ AM ☐ PM 2021	Scheduled Time of Delivery: ☐ Noon ☐ 3 PM 10/18/07	COD Fee: $ / Insurance Fee: $
Flat Rate ☐ or Weight: lbs. 1 ozs. 3	Military: ☐ 2nd Day ☐ 3rd Day	Total Postage & Fees: $
	Int'l Alpha Country Code	Acceptance Emp. Initials: UNZ

DELIVERY (POSTAL USE ONLY)

Delivery Attempt: Mo. Day	Time: ☐ AM ☐ PM	Employee Signature
Delivery Attempt: Mo. Day	Time: ☐ AM ☐ PM	Employee Signature
Delivery Date: Mo. Day	Time: ☐ AM ☐ PM	Employee Signature

☐ WAIVER OF SIGNATURE (Domestic Mail Only) Additional postage required. Signature waiver, if requested, I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ Weekend ☐ Holiday

Customer Signature

CUSTOMER USE ONLY

METHOD OF PAYMENT:

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or Postal Service Acct. No.

FROM: (PLEASE PRINT) PHONE (212) 326 3789

JONES DAY REAVIS & POGUE
222 E 41ST ST FL2 MAILROOM
NEW YORK NY 10017-6739

TO: (PLEASE PRINT) PHONE ( )

COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA VA 22313-1450

FOR PICKUP OR TRACKING: Visit www.usps.com or Call 1-800-222-1811

EMS

21 JUL 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

Jose L. Quiroga
Calle 119A
#53A-15
Bogota, Columbia

In re Application of	:	
QUIROGA, Jose L.	:	
Application No.: 10/477,436	:	DECISION ON PETITION
PCT No.: PCT/IB01/01480	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 15 June 2001	:	
Priority Date: None	:	
Attorney Docket No.: None	:	
For: OPTIMAL CIRCUIT VERIFICATION METHOD		

The petition to revive under 37 CFR 1.137(b) filed 12 July 2004 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

Anthony Smith

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

UNITED STATES 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 W. HIGHET
BECTON DICKINSON AND COMPANY
1 BECTON DRIVE
FRANKLIN LAKES, NJ 07417-1880

COPY MAILED

JAN 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Howell et al.	:	
Application No. 10/477,438	:	DECISION ON PETITION
Filed: November 7, 2003	:	
Attorney Docket No. P-420P1P1P1P1P1.70	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), (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 Technology Center 3767 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Liana Walsh
Petitions Examiner
Office of Petitions

27 APR 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

Kathleen Chapman
765 Greenville Road
Mason, NH 03048

In re Application of	:	
Cheng et al.	:	
Serial No.: 10/477,460	:	DECISION ON
PCT No.: PCT/US01/45281	:	PETITION
Int. Filing Date: 31 October 2001	:	UNDER 37 CFR 1.137(b)
Priority Date: 05 April 2001	:	
Attorney's Docket No.: CC1101-MFPC	:	
For: PERSONAL URINE MANAGEMENT	:	
SYSTEM FOR HUMANS	:	

This decision is responsive to the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNTINTENTIONALLY UNDER 37 CFR 1.137(b)" filed 12 November 2003. Applicant included the $650 petition fee.

BACKGROUND

On 31 October 2001 applicants filed international application PCT/US01/45281, which claimed priority of an earlier U.S. application filed 05 April 2001. The thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 05 October 2003.

On 12 November 2003, applicants filed the current petition along with a transmittal letter for entry into the national stage in the United States. The transmittal letter was accompanied by, *inter alia*, a declaration, the $65 petition to revive fee, extra claim fees, the $65 surcharge for filing the declaration after 30 months and the basic national fee of $365. These papers were assigned Application No. 10/477,460.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by 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, (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to revive under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and small entity fee of $55

Applicants have provided the required statement, a proper reply and the petition fee.

CONCLUSION

The petition to revive the application is **GRANTED**.

The application is being returned to the United States Designated/Elected Office for processing in accordance with this decision; and, if appropriate, a Notification of Acceptance of Application (Form PCT/DO/EO/903) will be mailed showing a 35 U.S.C. 371 date of 12 November 2003.

Debra Brittingham
PCT Legal Office
DSB/LS:dsb

Leonard Smith
PCT Legal Examiner
PCT Legal Office

Tel: (703) 305-3401
Fax: (703) 308-6459

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

HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

Mail Date: 04/21/2010

Applicant	: Gunter Richter	: DECISION ON REQUEST FOR
Patent Number	: 7575118	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/477,470	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/01/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **662** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DONALD S.DOWDEN
COOPER & DUNHAM
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

COPY MAILED
AUG 0 2 2006
OFFICE OF PETITIONS

In re Application of	:	
Oota, et al.	:	
Application No. 10/477,474	:	ON PETITION
Filed: November 12, 2003	:	
Attorney Docket No. 1141/71338	:	

This is a decision on the petition under 37 CFR 1.181, filed November 21, 2005, to withdraw the holding of abandonment. The petition was recently forwarded to this office for consideration.

This application became abandoned for failure to timely file a proper reply to the non-final Office action mailed March 23, 2005. Accordingly, this application became abandoned on June 24. 2005. A Notice of Abandonment was mailed on November 1, 2005.

Petitioner asserts the Office action was not received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Withdrawing the Holding of Abandonment When Office Actions Are Not Received; Notice 1156 Off. Gaz. Pat. Office 53 (November 16, 1993).

The required statements and docket records have been submitted and considered.

The petition is granted. In view thereof, the holding of abandonment is withdrawn. A new Office action will be mailed and the period for reply will be re-started.

Technology Center AU 2882 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's support staff for re-mailing of the March 23, 2005 Office action. The period for response will be set to run from the mailing date of the new Office action.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

#5

28 JUL 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

Bayer CropScience LP
Patent Department
100 Bayer Road
Pittsburgh, PA 15205-9741

In re Application of ENDEPOLS, Stefan, et al. Application No.: 10/477,480 PCT No.: PCT/EP02/04787 Int. Filing Date: 02 May 2002 Priority Date: 14 May 2001 Attorney's Docket No.: CS-7995/LeA 35,390 For: METHOD FOR CONTROLLING HARMFUL RODENTS IN AGRICULTURAL ENTERPRISES	DECISION ON REQUEST UNDER 37 CFR 1.42

This is a decision on applicants' "Submission of Missing Parts," filed in the United States Patent and Trademark Office on 29 April 2004. The declaration contains an indication that joint inventor Karl-Ludwig Ziebell is deceased. As such, it has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 02 May 2002, applicants filed international application PCT/EP02/04787, which claimed a priority date of 14 May 2001. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 November 2002. On 16 September 2002, a demand for international preliminary examination was filed within nineteen months from the priority date. As such, the deadline for entry into the national stage in the United States was 14 November 2003.

On 12 November 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 14 April 2004, the Office mailed 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) and the surcharge for late filing of the oath or declaration were required.

On 29 April 2004, applicants submitted "Submission of Missing Parts" accompanied by a declaration.

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. However, the declaration must include the signature of the legal representative or the signature of all of the heirs (or if there is only one heir, the sole heir), if under applicable law, the heirs' authority corresponds to that of a legal representative. See MPEP 409.01(d).

The 29 April 2004 declaration lists Sonja Nicole Ziebell, Horst Karl Ziebell and Anna Lene Ziebell as heirs and lists the citizenship, residence and postal address for each heir and for inventor Ziebell. Applicants state that the heirs that executed the declaration are the only heirs of inventor Ziebell. The submission of the declaration signed by the heirs is construed as an indication that a legal representative has not been appointed nor is one required to be appointed by applicable law, and thus, the heirs are signing as the legal representative of the estate. See MPEP 409.01(d). If this interpretation is incorrect, applicants are required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to the decision. The declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

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

The application has an international filing date of 02 May 2002 under 35 U.S.C. §363 and a date of 29 April 2004 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.

Leonard E. Smith
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

21 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

#6

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

Ladas & Parry
26 West 61st Street
New York, NY 10023

In re Application of	:	
Arkashevski et al.		:
Application No.: 10/477,486	:	DECISION
PCT No.: PCT/IL02/00370	:	
Int. Filing Date: 14 May 2002	:	UNDER
Priority Date: 14 May 2001	:	
Attorney Docket No.: U 014885-8	:	37 CFR 1.497(d)
For: System And Method For Cleaning	:	
Or De-Icing A Windshield	:	

This is a decision on applicants' "Request And Fee To Add To Inventor(s) Not Named In PCT Application" filed on 21 June 2004, which is being treated under 37 CFR 1.497(d).

BACKGROUND

This international application was filed on 14 May 2002 and claimed a priority date of 14 May 2001. The International Bureau transmitted a copy of the published international application to the USPTO on 21 November 2002. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 14 November 2003. On 12 November 2003, applicants filed *inter alia* the basic national fee.

On 31 March 2004, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration of the inventors, a surcharge under 37 CFR 1.492(e), and additional claim fees.

DISCUSSION

The declaration of the inventors filed on 21 June 2004 lists an inventor (Vychislav Ivanov) whose name does not appear in the published international application.

A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; 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)). *See* Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.). The papers satisfy requirements (1) and (2).

Regarding requirement (1), applicants have provided a statement by the inventor (Vychislav Ivanov) sought to be added as an inventor attesting that the error in inventorship occurred without deceptive intent.

Regarding requirement (2), the instant submission was accompanied by the required processing fee.

Regarding requirement (3), the instant submission is accompanied by an assignment document signed by all three of the inventors named in the declaration, assigning the instant application to Micro-Heat, Inc. The instant submission is also accompanied by a "Consent of Assignee To Correction (Deletion And/Or Addition) Of Inventor(s)" which is directed toward international application number PCT/IL02/00370 and which states that "Assignee hereby consents to the correction of inventorship of the attached Request." As such, requirement (3) has been satisfied, and so it would be appropriate to accept the papers under 37 CFR 1.497(d) on the basis of the present record.

CONCLUSION

The papers filed under 37 CFR 1.497 (d) are **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **21 June 2004**.

Richard Cole
PCT Legal Examiner
PCT Legal Office

George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6721
After 30 Sep. 2004: (571) 272-3283
Fax: (703) 308-6459
After 30 Sep. 2004: (571) 273-0459

08 MAR 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

#7

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

Craig M. Bohlken
White and Case, LLP
Patent Department
1155 Avenue of the Americas
New York, NY 10036

In re Application of	:	
SCHREIBER, et al.	:	
Application No.: 10/477,507	:	DECISION ON PETITION
Filing Date: 10 November 2003	:	UNDER 37 CFR 1.181
Attorney Docket No.: 1103326-0738	:	
For: METHODS FOR IDENTIFYING COMPOUNDS	:	
FOR THE TREATMENT OF IBD	:	

This is a decision on applicant's "Petition For Withdrawal of Holding of Abandonment" filed on 15 November 2004 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.

BACKGROUND

On 08 May 2002, applicant filed international application PCT/GB02/02129, which claimed priority of an earlier application filed 12 May 2001. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 November 2003.

On 10 November 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 22 March 2004, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) 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 furnish a computer readable version of the sequence listing. Applicant was afforded two months to file the proper response.

On 22 October 2004, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 22 March 2004 within the time period set therein and that above-identified application was abandoned as to the United States.

On 15 November 2004, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

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's petition and accompanying papers filed 15 November 2004 satisfy the items above and it is proper to grant applicant's petition at this time.

Applicant is advised that the filed declaration of the inventors does not comply under 37 CFR 1.497. Specifically, the typed name of the third listed inventor has been altered. 37 CFR 1.52(c)(1) requires that any interlineation, erasure, cancellation or other alteration of an application paper must be dated and initialed or signed by the applicant on the same sheet of paper.

CONCLUSION

Applicant's Petition Under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment mailed 22 October 2004 is hereby **VACATED**.

Applicant is afforded **TWO (2) MONTHS** to furnish an executed oath or declaration of the inventors which complies with 37 CFR 1.497 (a) and (b).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing, including forwarding of the furnished computer readable format of the sequence listing to the Scientific and Technical Information Center (STIC).

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

02 APR 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

#7

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

Bozicevic, Field & Francis LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025

In re Application of ANDREWS, William H. et al. Application No.: 10/477,510 PCT No.: PCT/US02/06892 Int. Filing Date: 05 March 2002 Priority Date: 06 March 2001 Docket No.: SIER-009 For: METHODS AND COMPOSITIONS FOR MODULATING TELOMERASE REVERSE TRANSCRIPTASE (TERT) EXPRESSION	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' "Petition to Revive Application Under 37 CFR §1.137(b)," filed in the above-captioned application on 12 November 2003 is **GRANTED**.

Applicants' statement that the delay in response was unintentional is construed to mean "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). If this understanding is not correct, applicants must notify the office immediately. The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the fee for late filing of the oath or declaration are required.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

07 FEB 2006

Bozicevic, Field & Francis LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025

In re Application of	:	
ANDREWS, William H. et al.	:	
Application No.: 10/477,510	:	DECISION
PCT No.: PCT/US02/06892	:	
Int. Filing Date: 05 March 2002	:	ON PETITION UNDER
Priority Date: 06 March 2001	:	
Docket No.: SIER-009	:	37 CFR 1.137(b)
For: METHODS AND COMPOSITIONS FOR	:	
MODULATING TELOMERASE REVERSE	:	
TRANSCRIPTASE (TERT) EXPRESSION	:	

Applicants' "Petition to Revive Application Under 37 CFR §1.137(b)," filed in the above-captioned application on 03 February 2005 is **GRANTED**.

Applicants' statement that the delay in response was unintentional is construed to mean "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). If this understanding is not correct, applicants must notify the office immediately. A declaration of the inventors, the fee for late furnishing of the declaration and a sequence listing have been furnished. 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.

The declaration complies with 37 CFR 1.497(a)-(b).

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 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 03 February 2005.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

26 APR 2004

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Sol Sheinbein
G.E. EHRLICH
c/o Anthony Castorina
2001 Jefferson Davis Highway, Suite 207
Arlington, Virginia 22202

In re Application of: PENNER, et al.	:	
U.S. Application No.: 10/477,514	:	
PCT No.: PCT/IL02/00524	:	DECISION CORRECTING
International Filing Date: 27 June 2002	:	INVENTOR'S NAME
Priority Date: 27 June 2001	:	
Attorney's Docket No.: 26939	:	
For: METHOD AND DEVICE FOR	:	
ELECTROCHEMICAL FORMATION OF	:	
THERAPEUTIC SPECIES IN VIVO	:	

This decision is issued in response to applicants' "Response To Notification Of Missing Requirements" filed on 31 March 2004. No petition fee is required.

BACKGROUND

On 27 June 2002, applicants filed international application PCT/IL02/00524 which claimed a priority date of 27 June 2001 and which designated the United States. On 09 January 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., 27 December 2003.

On 19 November 2003, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an executed declaration.

On 12 March 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required. The Notice stated that the filed declaration was defective because the first name of inventor PENNER on the declaration (Avi) did not correspond to the inventor's first name as listed on the international application (Avraham).

On 31 March 2004, applicants filed the "Response to Notification Of Missing Requirements" considered herein. This response states that the correct first name for the first inventor is Avi, as listed on the filed declaration, and that the use of the formalized version of the

inventor's name (Avraham) on the international application occurred "through secretarial error and without defective intent."

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. Here, applicants' 31 March 2004 submission confirms that the correct name for the applicant is Avi PENNER, as set forth on the declaration filed 19 November 2003. Based on this clarification, (interpreted herein as a statement that the mistaken listing of the inventor's name in the international application was the result of a typographical error), the name of the applicant is accepted as Avi PENNER, as set forth in the declaration.

CONCLUSION

Applicants' request to correct the inventor's name is **GRANTED**. The correct first name of inventor PENNER is accepted as Avi, as set forth in the declaration filed 19 November 2003.

Based on the correction of the inventor's name, the declaration filed on 19 November 2003 is no longer defective.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accord with this decision. The first applicant's name of record is corrected to Avi PENNER (as set forth in the filed declaration). The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 19 November 2003.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

7 JUN 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

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

In re Application of SHINDE	:	
U.S. Application No.: 10/477,518	:	
PCT Application No.: PCT/JP03/03218	:	
Int. Filing Date: 18 March 2003	:	DECISION
Priority Date Claimed: 20 March 2002	:	
Attorney Docket No.: P24576	:	
For: METHOD FOR CONTROLLING	:	
GENERATION OF TRANSMISSION	:	
POWER CONTROL INFORMATION. . . .	:	

This is in response to applicant's "Request for Refund" filed 14 July 2004.

Applicant requests a refund of $86.00 due to a purported incorrect charging of applicant's deposit account.

A review of USPTO records reveals that $86.00 has been refunded to Deposit Account 19-0089.

Accordingly, the request for refund is DISMISSED AS MOOT.

The application is being returned to the appropriate Technology Center for continued processing.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

13 APR 2005

#4

UNITED STATES PATENT and TRADEMARK OFFICE

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

Ramsaran Maharajh Jr.
BAZERMAN & DRANGEL P.C.
60 East 42nd Street, Suite 820,
New York, New York, 10165

In re Application of	:	DECISION ON
SUTTER et al	:	
Application No.: 10/477,531	:	
PCT No.: PCT/CH02/00245	:	
Int. Filing Date: 07 May 2002	:	PETITION UNDER
Priority Date: 18 May 2001	:	
Attorney's Docket No.: 1552-02	:	
For: METHOD FOR PRODUCING ...	:	
PHASE CHANGE MATERIAL	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 28 September 2004.

BACKGROUND

On 07 May 2002, this international application was filed, claiming an earliest priority date of 18 May 2001.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 18 November 2003.

On 12 November 2003, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, basic national fee, and an executed declaration. However, applicants were deficient with respect to the payment fee for the claims in the application.

On 12 March 2004, 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 additional claim fee is required. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond.

On 28 September 2004, applicants filed in the United States Patent and Trademark Office (PTO) the instant petition accompanied by, *inter alia*, the additional claim fee of $18.00 since applicants claim small entity status.

DISCUSSION

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

Petitioner has provided: (1) the proper reply by submitting the additional claim fee of $18.00, (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).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371 date of this application is **12 November 2003.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Donald E Schreiber
Donald E Shreiber A Professional Corporation
Post Office Box 2926
Kings Beach CA 96143-2926

COPY MAILED
DEC 2 0 2006
OFFICE OF PETITIONS

In re Application of

William M. Pitts
Application No. 10/477,552
Filed: November 10, 2003
Attorney Docket No. 2165

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 October 2, 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 request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

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

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **William M. Pitts**
780 Mora Drive
Los Altos, CA 94024

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Donald E. Schreiber
Post Office Box 2926
Kings Beach, CA 96143-2926

COPY MAILED

FEB 04 2008

OFFICE OF PETITIONS

In re Application of	:	
William M. Pitts	:	
Application No. 10/477,552	:	DECISION ON PETITION
Filed: November 10, 2003	:	TO WITHDRAW
Attorney Docket No. 2165	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 5, 2007.

The request is **APPROVED**.

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

The request was signed by Donald E. Schreiber on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor William M. Pitts 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.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **William M. Pitts**
780 Mora Drive
Los Altos, CA 94024

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
10/477,552	11/10/2003	William M. Pitts	2165

CONFIRMATION NO. 6223

POWER OF ATTORNEY NOTICE

OC000000028083916

Date Mailed: 02/04/2008

Donald E Schreiber
Donald E Shreiber A Professional Corporation
Post Office Box 2926
Kings Beach, CA 96143-2926

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/05/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

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

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

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

Mail Date: 04/26/2010

Applicant	: James Stuart Rothel	: DECISION ON REQUEST FOR
Patent Number	: 7608392	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/477,571	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/15/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **625** 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.

07 MAR 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Michael D. Stein
Stein, McEwen & Bui, LLP
1400 Eye Street, N.W.
Suite 300
Washington, D.C. 20005

In re Application of	:	
SEUNG, Heung-Chan	:	
Application No.: 10/477,582	:	
PCT No.: PCT/KR02/00490	:	DECISION
Int. Filing Date: 22 March 2002	:	
Priority Date: None	:	
Attorney Docket No.: 1768.1003	:	
For: A COPY-PROTECTED OPTICAL RECORDING MEDIUM, A METHOD FOR DRIVING THEREOF AND A METHOD FOR MANUFACTURING THEREOF	:	

This decision is issued in response to applicant's "Request for Corrected Filing Receipt" filed 24 July 2004 and applicant's "Second Request for Corrected Filing Receipt" dated 15 February 2006. No petition fee is due.

BACKGROUND

On 13 November 2003, applicant timely filed a request to enter into the national stage under 35 U.S.C. 371 along with the appropriate basic national filing fee, a copy of the international application, a copy of the international application; and a copy of the international search report.

On 12 March 2004, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge under 37 CFR 1.492(e).

On 05 May 2004, applicant submitted an executed declaration

On 03 June 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 07 May 2004.

On 24 June 2004, applicant filed "Request for Corrected Filing Receipt" which included a copy of the declaration and power of attorney and a postcard receipt dated 05 May 2004.

On 15 February 2006, applicant filed "Second Request for Corrected Filing Receipt."

DISCUSSION

Applicant requests a corrected filing date (or 371(c) date) from 07 May 2004 to 05 May 2004. The actual filing date of the present application is the international filing date, i.e., 22 March 2002. (See 35 U.S.C. 363) The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01) A review of the application file reveals that the declaration was filed with the USPTO on 05 May 2004, the date which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. Therefore, the correction of the "FILING DATE" on the filing receipt to indicate a date of 05 May 2004 is proper since applicants completed the requirements set forth in 35 U.S.C. 371(c) on 05 May 2004. (See MPEP section 1893.03(b)).

CONCLUSION

Applicant's petition under 37 CFR 1.181 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 03 June 2004 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) and Official Filing Receipt which identifies a date of 05 May 2004 under 35 U.S.C. 371(c).

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (571) 272-3298
Fax: (571) 273-0459

03 MAY 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

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

In re Application of KAWAMURA, Yusuke et al. Application No.: 10/477,590 PCT No.: PCT/JP02/04752 Int. Filing Date: 16 May 2002 Priority Date: 16 May 2001 Attorney's Docket No.: 450100-03943 For: APPARATUS AND METHOD FOR ADJUSTING REGISTRATION	DECISION ON REQUEST UNDER 37 CFR 1.42

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. A review of the declaration reveals an indication that joint inventor Seiji Saito is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 16 May 2002, applicants filed international application PCT/JP02/04752, which claimed a priority date of 16 May 2001. On 15 October 2002, a demand for international preliminary examination was filed within nineteen months from the priority date. As such, the deadline for entry into the national stage in the United States was 17 November 2003 (16 November 2003 was a Sunday).

On 13 November 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 a declaration.

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.

Ayako Kuroda signed the declaration as "legal representative." The declaration must list the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. It is unclear whether the declaration lists the information for the legal representative or the deceased inventor, but it does not list both, as required.

Additionally, applicants have supplied one page each of pages 1, 2, 3 and 5 and two pages 4 of the declaration. Each page 4 lists the same inventors, but the pages were separately executed. While it is acceptable for inventors to execute different copies of the declaration, applicants must supply the full copy of the declaration executed by each inventor. Applicants may not piece together pages from different declarations to create a composite declaration. It appears there were at least two copies of the declaration executed. Applicants must supply complete declarations in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

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
Facsimile: (703) 308-6459

06 DEC 2004

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
KAWAMURA, Yusuke et al.	:	
Application No.: 10/477,590	:	DECISION ON
PCT No.: PCT/JP02/04752	:	
Int. Filing Date: 16 May 2002	:	REQUEST
Priority Date: 16 May 2001	:	
Attorney's Docket No.: 450100-03943	:	UNDER 37 CFR 1.42
For: APPARATUS AND METHOD FOR	:	
ADJUSTING REGISTRATION	:	

This is a decision in response to applicants' "Communication," submitted to the United States Patent and Trademark Office on 06 July 2004.

BACKGROUND

On 16 May 2002, applicants filed international application PCT/JP02/04752, which claimed a priority date of 16 May 2001. On 15 October 2002, a demand for international preliminary examination was filed within nineteen months from the priority date. As such, the deadline for entry into the national stage in the United States was 17 November 2003 (16 November 2003 was a Sunday).

On 13 November 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 a declaration.

On 03 May 2004, the Office mailed Decision On Request Under 37 CFR 1.42, refusing applicants' request.

On 06 July 2004, applicants submitted the instant renewed request.

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 the remaining inventor/applicants. It provides the necessary information for the deceased inventor, the legal representative and the applicant/inventors. 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 16 May 2002 under 35 U.S.C. §363 and a date of 06 July 2004 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.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : September 2, 2005

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Masaki Omote, et al.
Application No. : 10/477,610
Filed : November 14, 2003

The above-identified application has been assigned Patent No. 6,939,904 and an issue date of September 6, 2005.

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

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of September 6, 2005:

> "All reference to Patent No. 6,939,904 to MASAKI OMOTE, ET AL. of JAPAN for METHOD OF MANUFACTURING POLYMER PARTICLES appearing in the Official Gazette of September 6, 2005, should be deleted since no patent was granted."

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

cc: Paul Harrison, Crystal Park 3-44l (FAX-306-2737)
Deneise Boyd, Crystal Park 2, Suite 1100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-9l0 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane K.Davis, P/OCS, CM1-6A07
Tamara K. Greene, PK3-910

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED
SEP 0 6 2005
OFFICE OF PETITIONS

In re Application of	:	
Masaki Omote, et al.	:	
Application No. 10/477,610	:	ON PETITION
Filed: November 14, 2003	:	
Attorney Docket No.: 245392US0PCT	:	
	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 22, 2005, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

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

The application is being referred to Technology Center AU 1713 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

Mail Date: 05/20/2010

Applicant	: Seppo Kallio	: DECISION ON REQUEST FOR
Patent Number	: 7620389	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/477,630	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/31/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **410** 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.
10/477,631	07/19/2004	Bruno Saint-Jalmes	245299US41PCT	5983

22850 7590 04/08/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
ELDRED, JOHN W

ART UNIT	PAPER NUMBER
3641	

NOTIFICATION DATE	DELIVERY MODE
04/08/2008	ELECTRONIC

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

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

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

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
FROM DIRECTORS OFFICE

APR 07 2008

TECHNOLOGY CENTER 3600

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

In re application of Bruno SAINT-JALMES Application No. 10/477631 Filed: July 19, 2004 For: AIRCRAFT CABIN MODULE FOR PASSENGERS	DECISION ON PETITION UNDER 37 CFR 1.181 FOR CONSIDERATION OF AN IDS

This is in response to the petition filed under 37 CFR 1.181 on January 30, 2008 for consideration of an Information Disclosure Statement (IDS) filed June 6, 2006.

The petition is **DISMISSED as MOOT**.

FACTS

On June 6, 2006, an IDS was filed by applicant.

On June 20, 2007, the examiner issued a final Office action and overlooked the IDS.

On November 21, 2007, a notice of allowance was issued, again omitting indication of consideration of the IDS.

On January 30, 2008, the instant petition was filed.

On February 14, 2008, a supplemental notice of allowance was mailed including the initialed IDS of June 6, 2006.

DECISION

In light of the fact that the IDS has been considered, the issue has been rendered moot.

Applicant's petition is DISMISSED.

Any question concerning this decision should be referred to SPE Michael Carone at 571-272-6873.

Donald Hajec, Director
Technology Center 3600
(571) 272-5150

DH/mc: 04/03/08

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SMITH GAMBRELL & RUSSELL
BEVERIDGE DEGRANDI WEILACHER & YOUNG
INTELLECTUAL PROPERTY GROUP
1850 M STREET NW SUITE 800
WASHINGTON DC 20036

COPY MAILED

JUN 05 2007

OFFICE OF PETITIONS

In re Application of	:	
Koichi Yamazaki	:	
Application No. 10/477,632	:	ON PETITION
Filed: November 14, 2003	:	
Attorney Docket No. 33082M181	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed May 15, 2007.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the non-final Office action mailed March 23, 2005. This Office action set an extendable period for reply of three (3) months. No reply having been received, the application became abandoned on June 24, 2005. A Notice of Abandonment was mailed on May 1, 2007.

Petitioner contends that he did timely file a reply. In support, petitioner has included a copy of a USPTO date stamped postcard receipt dated June 23, 2005, and itemizing an amendment and a check for $200. However, the postcard receipt and amendment are directed to application No. 10/447,632, not 10/477, 632.

Nevertheless, as set forth in the Manual of Patent Examining Procedure § 724.05:

> Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g. application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

Here, apart from the application number, the response did contain the correct identifying information (specifically the attorney docket number, the title of invention, the inventor, the filing date, Examiner's name and group art unit). Accordingly, it is concluded that the Office could have determined the correct application file for which the response was intended.

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

The matter is being forwarded to Group Art Unit 3744 for consideration of the amendment filed June 23, 2005 (copy supplied with the instant petition).

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

please enter the Amendment filed 5/15/07
TD

SMITH GAMBRELL & RUSSELL
BEVERIDGE DEGRANDI WEILACHER & YOUNG
INTELLECTUAL PROPERTY GROUP
1850 M STREET NW SUITE 800
WASHINGTON DC 20036

COPY MAILED
JUN 05 2007
OFFICE OF PETITIONS

In re Application of	:	
Koichi Yamazaki	:	
Application No. 10/477,632	:	ON PETITION
Filed: November 14, 2003	:	
Attorney Docket No. 33082M181	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed May 15, 2007.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the non-final Office action mailed March 23, 2005. This Office action set an extendable period for reply of three (3) months. No reply having been received, the application became abandoned on June 24, 2005. A Notice of Abandonment was mailed on May 1, 2007.

Petitioner contends that he did timely file a reply. In support, petitioner has included a copy of a USPTO date stamped postcard receipt dated June 23, 2005, and itemizing an amendment and a check for $200. However, the postcard receipt and amendment are directed to application No. 10/447,632, not 10/477, 632.

Nevertheless, as set forth in the Manual of Patent Examining Procedure § 724.05:

Andres, Janet

From: Newsome, Lamonte
Sent: Tuesday, May 12, 2009 4:30 PM
To: Desai, Rita
Cc: Andres, Janet
Subject: 10477633

Paper No.: _____

DATE : 5/12/09

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction for Appl. No.: 10477633 Patent No.: 7186733 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME

Certificates of Correction Branch

703-308-9390 ext. 112

Thank You For Your Assistance

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

☒ **Approved** — **All** changes apply.

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

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

Comments: _____

AU 1625

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

AUG 0 3 2009

OFFICE OF PETITIONS

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of

FERRACHAT, Marie-Paule et al.
Application No. 10/477,639
Filed: November 13, 2003
Attorney Docket No. **08641-031US1**

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 June 18, 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 John Gagel, the sole attorney of record. John Gagel has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Marie-Paule at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **MARIE-PAULE FERRACHAT**
83 BOULEVARD DU GENERAL GIRAUD
94100 SAINT MAUR DES FOSSES
FRANCE

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : February 26, 2008

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/477642 Patent No.: 7229994 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: _____

JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

SPE

1624
Art Unit

29 APR 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

Bret Field
Bozicevic, Field & Francis LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025

In re Application of	:	
ANDREWS, William H.	:	
Application No.: 10/477,646	:	
PCT Application No.: PCT/US02/07918	:	DECISION ON
International Filing Date: 12 March 2002	:	
Priority Date: 13 March 2001	:	PETITION
Attorney Docket No.: SIER-014	:	
For: TELOMERASE EXPRESSION	:	UNDER 37 CFR 1.137(b)
REPRESSOR PROTEINS AND	:	
METHODS OF USING	:	
THE SAME	:	

Applicant's "Petition To Revive Application Under 37 CFR § 1.137(b)," filed in the United States Patent and Trademark Office on 12 November 2003 is GRANTED.

BACKGROUND

On 12 March 2002, applicant filed international application number PCT/US02/07918, claiming priority of earlier U.S. provisional applications, filed on 13 March 2001. The United States of America was designated in the Request. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on Monday, 15 September 2003.

On 12 November 2003, applicant filed the instant petition and a transmittal letter for national stage entry, including, *inter alia*, basic national stage fees.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

With regard to item (1) above, applicant has stated that "[a]pplicants submit that the delay in response was unintentional." In view of the simultaneous filing of the transmittal letter for national stage entry with national stage fees and the instant petition, applicant's statement is construed as a statement that "[t]he 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." Should this interpretation of applicant's statement be incorrect, Petitioner must notify the United States Patent and Trademark Office. The statement in the petition is accepted in satisfaction of 37 CFR 1.137(b)(3). Hence, the requirement of item (1) above is satisfied.

With regard to item (2) above, applicant has provided the required basic national fee, meeting the requirement of item (2) above.

With regard to item (3) above, applicant has provided the required petition fee, meeting the requirement of item (3) above.

With regard to item (4), a terminal disclaimer is not required as the application was filed after 08 June 1995.

Accordingly, all of the requirements under 37 CFR 1.137(b) have been satisfied, and so the petition is granted.

A review of the file wrapper reveals that applicant has not provided an executed inventor oath or declaration and late deposit fee. Hence, applicant has not satisfied the requirements of 35 USC 371(c)(4).

In a paper filed on 22 December 2003, practitioners of the law firm Bozicevic, Field & Francis LLP, have requested approval to withdraw as attorneys of record in this application. This request is hereby approved.

A power of attorney on behalf of Sierra Sciences, Inc., the purported assignee, was filed in this application on 18 February 2004. Appointment of practitioners associated with Gray Cary Ware & Friedenrich to be attorneys of record in this application was requested. However, no statement under 37 CFR 3.73(b) has been filed, demonstrating the right of Sierra Sciences, Inc. to take action in this application. Therefore, there are presently no recognized attorneys of record in this application. Accordingly, this and all future correspondence will be sent to the first-named inventor.

A courtesy copy of this decision is being provided to Nan Wu of the law firm Gray Care Ware & Friedenrich. Until proper appointment of attorneys of record has been effectuated, all future correspondence will be provided to Inventor William H. Andrews.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is GRANTED as to National Stage in the United States of America.

This application has an international filing date of 12 March 2002 under 35 USC 363.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including sending out a Notification of Missing Requirements for applicant's failure to provide an executed oath or declaration.

Michael La Villa
Detailee
Office of PCT Legal Administration
Telephone: (703) 308-6162
Facsimile: (703) 308-6459

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (703) 308-3659
Facsimile: (703) 308-6459

cc:

William H. Andrews
3430 Rosalinda Drive
Reno, NV 89503

Nan Wu
Gray Cary Ware & Freidenrich
153 Townsend Street, Suite 800
San Francisco, CA 94107

07 JUL 2004

#8

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Brett A. Valiquet
Schiff & Hardin, LLP
Patent Department
6600 Sears Tower
Chicago, Illinois 60606

In re Application of	:	
LA ROSA DUCATO et al.	:	
Application No.: 10/477,662	:	
PCT No.: PCT/EP02/05299	:	DECISION ON REQUEST
Int. Filing Date: 14 May 2002	:	
Priority Date: 14 May 2001	:	
Attorney Docket No.: P03,0458	:	
For: METHOD, EQUIPMENT SYSTEM AND COMPUTER PROGRAM SYSTEM FOR PROCESSING DOCUMENT DATA		

This decision is in response to the request regarding the correction of an inventors' name filed 13 May 2004 notifying the United States Patent and Trademark Office that the correct order of the first named inventor's name is Jose LaRosa Ducato as indicated on the declaration filed 10 March 2004 rather than Ducato Jose LaRosa as is indicated on the publish international application. Additionally, counsel states that the declaration filed 10 March 2004 inadvertently reversed the order of the second inventor (Hartwig Schwier) but has been corrected the error with the newly executed declaration filed 13 May 2004.

As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, applicants' explanation of the difference in the order of the inventors' name is accepted and noted for the record. The declaration filed 13 May 2004 is in compliance with 37 CFR 1.497(a)-(b).

For the reason above, applicants' request is **GRANTED**.

The application has an international filing date of 14 May 2002 under 35 U.S.C. 363 and a date of **13 May 2004** under 35 U.S.C. 371(c). This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Anthony Smith

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

24 MAY 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

Richard W. James
25 Churchill Road
Churchill, PA 15235

In re Application of
LENARD, Peter *et al*
U.S. Application No.: 10/477,675
PCT No.: PCT/EP02/05303
Int. Filing Date: 14 May 2000
Priority Date: 17 May 2001
Attorney Docket No.: WW-03-001
For: GRINDING MACHINE FOR DOUBLE-SIDED GRINDING OF SAW TOOTH EDGES

DECISION

This decision is in response to the petition filed on 07 April 2004.

BACKGROUND

On 12 November 2003, applicant filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371. The transmittal letter indicated that the international application number was PCT/EP02/04303.

On 19 March 2003, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) for failing to provide the full U.S. Basic National Fee by thirty months from the earliest claimed priority date.

On 07 April 2004, applicant filed a petition to revive under 37 CFR 1.137(b) which was accompanied by, *inter alia*, a check for the basic national fee, petition fee and authorization to charge any additional fees to Deposit Account No. 50-2642.

DISCUSSION

Petition Under 37 CFR 1.182

A review of the above-captioned application reveals that the transmittal letter filed with the national stage papers on 12 November 2003 incorrectly designated the international application as PCT/EP02/04303. Accordingly, the application was processed as a national stage application for PCT/EP02/04303.

A further review of the application and international records indicate that the above-captioned application should have been processed as a national stage application of PCT/EP02/05303. The correct international application number,

PCT/EP02/05303, is recorded on the specification and declaration filed with the national stage papers.

This is treated as a petition under 37 CFR 1.182. It is clear from the title, specification and declaration that the above-captioned application was intended to be a national stage application of PCT/EP02/05303, not PCT/EP02/04303.

The $130.00 petition fee has been charged to Deposit Account No. 50-2642 as authorized.

Petition Under 37 CFR 1.137(b)

A petition to revive an application on the grounds of unintentional delay pursuant to 37 CFR 1.137(b) must be accompanied by: (1) a proper reply; (2) the requisite petition fee; (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any required terminal disclaimer.

The appropriate basic national fee and petition fee have been paid. Applicants' statement that they "believed sufficient funds were available . . . to pay for all fees applicable to the filing of the Subject Application" has been interpreted 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" as required by 37 CFR 1.137(b)(3). If this is an incorrect interpretation, applicants are requested to notify this office. A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

DECISION

Applicants' petition under 37 CFR 1.182 to correct the international application number recorded on the transmittal letter is hereby **GRANTED**.

The above-captioned application will be processed as a national stage application of PCT/EP02/05303 as intended. The article 20 papers for PCT/EP02/04303 will be removed.

Applicants' petition under 37 CFR 1.137(b) to revive the above-captioned application is hereby **GRANTED**.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted with the national stage papers on 12 November 2003.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 14 May 2000, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 12 November 2003.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER, P.O. BOX 1832
NEW HAVEN, CT 06508-1832

COPY MAILED

MAR 28 2007

OFFICE OF PETITIONS

In re Application of :
Malm, et al. :
Application No. 10/477,676 : ON PETITION
Filed: June 10, 2004 :
Attorney Docket No. 102510-103

This is a decision on the petition under 37 CFR 1.182 to change the fourth named inventor cited on this application in USPTO records.

The petition is granted.

The name of the fourth inventor for the above-cited application is changed to "Thomas Anders Wilson."

A corrected filing receipt is enclosed.

The application file is being directed to Technology Center 1600, GAU 1626 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

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/477,676	06/10/2004	1626	1050	102510-103	15	1

CONFIRMATION NO. 6215

CORRECTED FILING RECEIPT

OC000000023067423

27267
WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER, P.O. BOX 1832
NEW HAVEN, CT 06508-1832

Date Mailed: 03/23/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Johan Malm, Trangsund, SWEDEN;
Peter Brandt, Solna, SWEDEN;
Karin Edvinsson, Stockholm, SWEDEN;
Thomas Anders Wilson, Sodertalje, SWEDEN;
Sandra Gordon, Mariefred, SWEDEN;

Power of Attorney:

Todd Garabedian--39197

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP02/04193 04/15/2002

Foreign Applications

UNITED KINGDOM 0111861.1 05/15/2001

If Required, Foreign Filing License Granted: 03/22/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/477,676

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Thyroid hormone receptor antagonists for cardiac and metabolic disorders II

Preliminary Class

548

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

MAY 25 2007

OFFICE OF PETITIONS

WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER, P.O. BOX 1832
NEW HAVEN, CT 06508-1832

In re Application of :
Malm, et al. :
Application No. 10/477,676 : ON PETITION
Filed: June 10, 2004 :
Attorney Docket No. 102510-103

This is a decision on the petition under 37 CFR 1.182, filed April 19, 2007, to change the fourth named inventor cited on this application in USPTO records.

The petition is granted.

The name of the fourth inventor for the above-cited application is changed to "Thomas Anders Wilson Norin."

A corrected filing receipt is enclosed.

The application file is being directed to Technology Center 1600, GAU 1626 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

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO.	TOT CLMS	IND CLMS
10/477,676	06/10/2004	1626	1050	102510-103	15	1

CONFIRMATION NO. 6215

CORRECTED FILING RECEIPT

OC000000023978261

27267
WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER, P.O. BOX 1832
NEW HAVEN, CT 06508-1832

Date Mailed: 05/21/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Johan Malm, Trangsund, SWEDEN;
Peter Brandt, Solna, SWEDEN;
Karin Edvinsson, Stockholm, SWEDEN;
Thomas Anders Wilson Norin, Sodertalje, SWEDEN;
Sandra Gordon, Mariefred, SWEDEN;

Power of Attorney:

Todd Garabedian--39197

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP02/04193 04/15/2002

Foreign Applications

UNITED KINGDOM 0111861.1 05/15/2001

If Required, Foreign Filing License Granted: 03/22/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/477,676

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Thyroid hormone receptor antagonists for cardiac and metabolic disorders II

Preliminary Class

548

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

APR 21 2005

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

Daniel Hansburg, Esq.
Brown Raysman Millstein Felder & Steiner LLP
900 Third Avenue
New York, New York 10022-4728

In re Application of Victor E. Shashoua :
:
Serial No.: 10/477,683 : PETITION TO MAKE SPECIAL
Filed: November 12, 2003 :
Attorney Docket No.: 6285/02US

This is in response to applicant's petition filed on November 12, 2003, to make the above-identified application special under the provisions 37 CFR 1,102(c), based on the age of applicant. No fee is required for this petition.

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 by any questions with regard to this letter please contact William Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 572-272-0519 or by facsimile transmission to the general Office facsimile number.

William Dixon, Jr.
Special Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS, MO 63102

Mail Date: 04/20/2010

Applicant	: Wieslaw L Nowinski	: DECISION ON REQUEST FOR
Patent Number	: 7647096	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/477,695	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1588** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

COPY MAILED

DEC 17 2009

OFFICE OF PETITIONS

In re Application of :
Marcus B M Fenton et al. :
Application No. 10/477,708 :
Filed: November 14, 2003 :
Attorney Docket No. **4223-4** :

NOTICE

This is a notice regarding your request filed May 15, 2007, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

28 JUL 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

INCYTE CORPORATION
3160 Porter Drive
Palo Alto, CA 94304

In re Application of: LAL, Preeti, G.	:	
U.S. Application No.: 10/477,714	:	DECISION ON PETITIONS
PCT No.: PCT/US02/15899	:	
Int'l Filing Date: 16 May 2002	:	
Priority Date: 18 May 2001	:	
Attorney's Docket No.: PF-0992 USN	:	
For: RECEPTORS AND MEMBRANE	:	
ASSOCIATED PROTEINS	:	

This decision is issued in response to applicants' petition under 37 CFR 1.47(a), filed 01 June 2004, and the "Communication Re Inventor Name Change" filed 14 November 2003, treated herein as a petition under 37 CFR 1.182 to change the name of inventor Narinder K. WALIA to Narinder K. CHAWLA. Applicants have paid the petition fee for the 37 CFR 1.47(a) petition; Deposit Account No. 19-0741 will be charged the petition fee for the petition under 37 CFR 1.182.

BACKGROUND

On 16 May 2002, applicants filed international application PCT/US02/15899 which claimed a priority date of 18 May 2001 and which designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 18 November 2003.

On 14 November 2003, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and the "Communication Re Inventor Name Change" filed 14 November 2003, treated herein as a petition under 37 CFR 1.182

On 09 April 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration acceptable under 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 01 June 2004, applicants filed a response to the Notification Of Missing Requirements. The response included payment of the required surcharge, a declaration executed by thirty-seven of the thirty-eight named inventors, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of the remaining inventor, Bharati SANJANWALA, whom applicants assert has refused to sign the application documents.

DISCUSSION

A. Petition To Change Name Of Inventor

In order to change the name of the inventor listed in the international application as Narinder K. WALIA to Narinder K. CHAWLA (as identified on the declaration), applicants are required to submit a grantable petition under 37 CFR 1.182. Such petition must include the petition fee and a statement from the inventor, executed in both the inventor's current and previous name, which confirms the name change. Applicants' 13 November 2003 submission included the required statement from the inventor, and Deposit Account No. 19-00741 will be charged the required petition fee. Accordingly, applicants have submitted all the requirements for a grantable petition to change the inventor's name.

B. Petition Under 37 CFR 1.47(a)

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the nonsigning inventor; (3) an oath or declaration by the other inventors on behalf of the other inventors on behalf of themselves and the nonsigning inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have submitted the petition fee, and the petition sets forth the last known address of the inventor. Accordingly, items (1) and (2), above, are satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by thirty seven of the thirty eight joint inventors and including an unsigned signature box identifying the nonsigning inventor. This declaration is treated as having been executed by the available inventors on their own behalf and on behalf of the nonsigning inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

Here, the evidence submitted to demonstrate Mr. SANJANWALA's refusal to execute the application papers is contained in the petition, the "Declaration Of Jeremy C. Garcia," and the attachments thereto. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application. The submission also includes documentary evidence supporting the statement. Item (4) is therefore satisfied.

Based on the above, applicants have satisfied all the requirements for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.182 to change the name of record for inventor Narinder K. WALIA to Narinder K. CHAWLA is **GRANTED**.

Deposit Account No. 19-0741 will be charged the required petition fee for the petition under 37 CFR 1.182.

The petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted under 37 CFR 1.47(a) without the signature of inventor Bharati SANJANWALA.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address set forth in the petition, and 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 for further processing in accord with this decision. The date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) is 01 June 2004.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

28 JUL 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

Bharati Sanjanwala
210 Silvia Court
Los Altos, California 94024

In re Application of: LAL, Preeti, G.
U.S. Application No.: 10/477,714
PCT No.: PCT/US02/15899
Int'l Filing Date: 16 May 2002
Priority Date: 18 May 2001
Attorney's Docket No.: PF-0992 USN
For: RECEPTORS AND MEMBRANE ASSOCIATED PROTEINS

Dear Ms. Sanjanwala:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Richard M. Ross
Attorney Advisor
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

Counsel Of Record:
Legal Department
INCYTE CORPORATION
3160 Porter Drive
Palo Alto, CA 94304

07 APR 2004

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paul J. Berman
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401

In re Application of	:	
Shigeori TAKENAKA	:	
Application No.:10/477,718	:	
PCT Application No.: PCT/JP02/00389	:	DECISION ON
International Filing Date: 21 January 2002	:	
Priority Date: 19 January 2001	:	PETITION
Attorney Docket No.: 029139.00101-US01	:	
For: GENE DETECTION METHOD,	:	UNDER 37 CFR 1.137(b)
DETECTION DEVICE, AND	:	
DETECTING CHIP	:	

Applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," (petition for revival) filed in the United States Patent and Trademark Office (PTO) on 14 November 2003 is **GRANTED**.

BACKGROUND

On 21 January 2002, applicant filed international application PCT/JP02/00389. The international application claims a priority date of 19 January 2001 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 21 July 2003 (19 July 2003 fell on a Saturday). On 14 November 2003, applicant filed the petition for revival accompanied by, *inter alia*, the basic national fee, the petition fee, a copy of the international application, and a signed declaration.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (3) the petition fee required by law, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995). Payment of the basic national fee and submission of a copy of the international application constitute a proper reply for entry into the national stage.

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfies the requirements of 37 CFR 1.137(b)(3). The basic national fee and the petition fee have

been paid. Applicant has submitted a copy of the international application. A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an international filing date of 21 January 2002 under 35 U.S.C. 363 and a date of 14 November 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.

Richard Cole
PCT Legal Examiner
PCT Legal Administration

Ankur Parekh
Detailee
PCT Legal Administration

Telephone: (703) 308-1315
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED
DEC 0 6 2006
OFFICE OF PETITIONS

PATENTTM.US
P. O. BOX 82788
PORTLAND, OR 97282-0788

In re Application of
Vladimir V. Rozhdestvenskiy, et al.
Application No. 10/477,731
Filed: November 14, 2003
Attorney Docket No. V-280

ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to an Office action mailed September 25, 2005. This decision precedes the mailing of a Notice of Abandonment. On May 30, 2006, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $1,500.00; and (3) the requisite statement of unintentional delay.

The application is being referred to Technology Center AU 3725 for consideration of the amendment filed May 30, 2006.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

Mail Date: 04/21/2010

Applicant	: Rakesh Kumar	: DECISION ON REQUEST FOR
Patent Number	: 7589077	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/477,763	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1238** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COWAN LIEBOWITZ & LATMAN
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-6799

COPY MAILED

FEB 26 2008

In re Application of	:	
HAM, et al.	:	
Application No. 10/477,764	:	DECISION ON PETITION
Filed: November 14, 2003	:	TO WITHDRAW
Attorney Docket No. **24423.002**	:	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 9, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to R. Lewis of **COWAN LIEBOWITZ & LATMAN** has been revoked by the applicant of the patent application on October 1, 2007 and re-submitted October 22, 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: **PAUL D. GREELEY, ESQ**
OHLANDT GREELEY RUGGIERO & PERLE, LLP
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD, CT 06901-2682

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:07232007

DATE : July 23, 2007

TO SPE OF : ART UNIT 2872

SUBJECT : Request for Certificate of Correction on Patent No.: 7077533

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:

Stephone B. Allen
Supervisory Patent Examiner

SPE: Stephone B. Allen **Art Unit** 2872

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:04132009

DATE : November 19, 2007

TO SPE OF : ART UNIT 2872

SUBJECT : Request for Certificate of Correction on Patent No.: 7077533

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:

The language "between" was previously deleted. Therefore, applicant's request to insert language after "between" cannot be performed. Applicant should be advised that column 1, line 30 should read in its entirety: "typically between 1um^-1 and 1mm^-1). It is furthermore". However, such a change needs to be submitted by the applicant.

Stephone B. Allen
Supervisory Patent Examiner

/Stephone B. Allen/

UNITED STATES PATENT AND TRADEMARK OFFICE

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

May 20, 2009

Patent No. :7077533
Inventor :Weiser et al.
Patent Issued :July 18, 2006
Title :REFLECTING DEVICE FOR ELECTROMAGNETIC WAVES

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 application for the patent reveals that in connection with the alleged error pertaining to Column 1, line 30; the printed Letters Patent with regard to applicants request is considered in accordance with the records within the Patent and Trademark Office, as a result, it has been determined that the language "between" was previously deleted. Therefore, applicants request to insert language after "between" cannot be performed. Applicant should be advised that column 1, line 30 should read in its entirety: "typically between 1um^-1 and 1mm^-1. It is furthermore". However, such a change needs to be submitted by the applicant.

In view of the foregoing applicants request in this matter is hereby denied. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756- 1541

Gerald T. Shekleton Welsh & Katz, Ltd
120 S. Riverside Plaza, 22nd Floor
Chicago, IL 60606

/arg

01 APR 2004

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Warren B. Kice
Haynes and Boone, L.L.P.
901 Main Street
Dallas, TX 75202-3789

In re Application of	:
GUSZLOVAN	: DECISION ON PETITION
Application No.: 10/477,787	:
PCT No.: PCT/AU02/00340	: UNDER 37 CFR 1.137(b)
Int. Filing Date: 20 March 2002	:
Priority Date: 22 March 2001	:
Atty. Docket No.: 17977.4	:
For: WINE BARREL FILING APPARATUS	:

The petition to revive under 37 CFR 1.137(b) filed 27 October 2003 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "The failure to file national stage of the referenced application was unintentional" is being interpreted to mean that the entire delay in filing the National stage application from the due date for filing the National stage application until the filing of a grantable petition pursuant to this paragraph was unintentional. If this is an incorrect reading of applicant's statement applicant should contact the PCT Legal Office immediately. Applicant's statement and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full U.S. Basic National Fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 20 March 2002 under 35 U.S.C. 363 and will be given a date of **13 November 2003** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As authorized, the $65.00 surcharge for filing an oath or declaration of the inventor later than thirty months from the earliest claimed priority date will be charged to Deposit Account No.: 08-1394.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (703) 305-0130
Fax: (703) 308-6459

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

BAYER CROPSCIENCE LP
Patent Department
2 T .W. ALEXANDER DRIVE
RESEARCH TRIANGLE PARK, NC 27709

Mail Date: 04/20/2010

Applicant	: Hans-Georg Schwarz	: DECISION ON REQUEST FOR
Patent Number	: 7635664	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/477,800	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/14/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1249** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

27 APR 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

#4

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

William O. Geny, Esq.
Chernoff, Vilhauer, McClung & Stenzel
1600 ODS Tower
601 SW Second Avenue
Portland, OR 97204-3157

In re Application of	:	
James E. HOWARD	:	
Application No.:10/477,806	:	
PCT Application No.: PCT/US01/51065	:	DECISION ON
International Filing Date: 19 October 2001	:	
Priority Date: 23 October 2000	:	PETITION
Attorney Docket No.: 7134.0036	:	
For: CURRENT MULTITASKING	:	UNDER 37 CFR 1.137(b)
PROCESSOR	:	

Applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," (petition for revival) filed in the United States Patent and Trademark Office (PTO) on 14 November 2003 is **GRANTED**.

BACKGROUND

On 19 October 2001, applicant filed international application PCT/US01/51065. The international application claims a priority date of 23 October 2000 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 23 April 2003. On 14 November 2003, applicant filed the petition for revival accompanied by, *inter alia*, the basic national fee, the petition fee, and a signed declaration.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (3) the petition fee required by law, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995). Payment of the basic national fee and submission of a copy of the international application constitute a proper reply for entry into the national stage. However, a copy of the international application is not required if the international application was originally filed in the PTO or the International Bureau previously communicated a copy.

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

satisfies the requirements of 37 CFR 1.137(b)(3). The basic national fee and the petition fee have been paid. Because the PTO served as the Receiving Office for the international application, applicant did not have to submit a copy of the international application. A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

Deposit Account 03-1550 has been charged the $65.00 small-entity surcharge for filing a declaration later than 30 months from the earliest claimed priority date. The transmittal form (PTO-1390) received 14 November 2003 authorizes the Commissioner to charge additional fees to this account.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an international filing date of 19 October 2001 under 35 U.S.C. 363 and a date of 14 November 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.

Richard Cole
PCT Legal Examiner
PCT Legal Administration

Ankur Parekh
Detailee
PCT Legal Administration

Telephone: (703) 308-1315
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DANIEL P. MCCARTHY
PARSONS BEHLE & LATIMER
201 SOUTH MAIN STREET SUITE 1800
PO BOX 45898
SALT LAKE CITY UT 84145-0898

COPY MAILED

AUG 1 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Graham Cross	:	
Application No. 10/477,841	:	ON PETITION
Filed: May 2, 2005	:	
Attorney Docket No. UQ-FS01	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 22, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 11/613,952, filed December 20, 2006.

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ——

DATE : 11/3/08

TO SPE OF : ART UNIT 1652

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/477858 Patent No.: 7264956B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

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

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

Comments: The amendement of Column 37, pages 48 and 49 should be entered.
The amendement of ~~clas~~ column 37, line 44 and Column 38, lines 42-48 should not be entered. This correction change the scope of the issued claims.

N Shed
SPE

1652
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SYNGENTA BIOTECHNOLOGY, INC.
PATENT DEPARTMENT
3054 CORNWALLIS ROAD
P.O. BOX 12257
RESEARCH TRIANGLE PARK NC 27709-2257

COPY MAILED

MAY 1 0 2006

OFFICE OF PETITIONS

In re Application of	:
Beck, Allen, Grant, Milton, Weiss	:
Application No. 10/477,863	: ON PETITION
Filed: November 13, 2003	:
Attorney Dck't. No. 60034USPCT	:

This is a decision on the communication filed March 20, 2006, styled as filed under 37 CFR 1.182, which is correctly treated as a petition under 37 CFR 1.183 and MPEP 402.10, requesting the appointment of a separate power of attorney for less than all the named inventors.

The petition is **dismissed.** Any request for reconsideration must be filed within TWO MONTHS of this mailing. See 37 CFR 1.181(f). No extensions of this time period under 37 CFR 1.136(a) or (b) are available.

The petition is filed on behalf of named joint inventor Beck and requests separate representation by counsel associated with customer No. 41906 (currently, Glen E. Schumann).

Petitioner asserts that while he had a previous business relationship with Syngenta, he did not give a power of attorney in this application, and further he "has never assigned his invention and patent rights covered by this Application to Syngenta, and continues to retain ownership of them to this day." Petitioner points out that there is in fact no power of attorney of record herein and in any event, due to a deteriorating relationship between himself and Syngenta, requests that all further communications be signed by both his representative and Syngenta.

While $130 has been proffered, the fee for a petition under 37 1.182 or 1.183 is $400. Petitioner is required to remit the $270 balance owed. The petition will not be considered on the merits absent the required fee.

A courtesy copy of this decision is being mailed to counsel who filed the petition. The USPTO will not undertake dual correspondence, even if a petition under 37 CFR 1.183 and MPEP 402.10 is granted.

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

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

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

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

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

Brian Hearn
Petitions Examiner
Office of Petitions

cc:

GLEN E. SCHUMANN
C/O MOSS & BARNETT
90 SOUTH SEVENTH STREET
4800 WELLS FARGO CENTER
MINNEAPOLIS, MN 55402-4129

10 DEC 2003

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Howard F. Mandelbaum
Levine & Mandelbaum
350 Fifth Avenue, Suite 7814
Empire State Building
New York, NY 10118

In re Application of	:	
BARAZZA	:	
U.S. Application No.: 10/477,867	:	
PCT No.: PCT/IB01/00070	:	DECISION ON PETITION
Int. Filing Date: 23 January 2001	:	
Priority Date: 26 January 2000	:	UNDER 37 CFR 1.181
Attorney Docket No.: METR0470US	:	
For: FOCUSING SYSTEM FOR VIDEO-	:	
PROJECTOR	:	

This decision is in response to the applicant's correspondence filed 14 November 2003 in the United States Patent and Trademark Office (USPTO). The filing is being treated as a petition under 37 CFR 1.181 to reconstruct the application file.

BACKGROUND

On 23 January 2001, applicant filed international application PCT/IB01/00070, 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 02 August 2001. A Demand for international preliminary examination was filed prior to expiration of 19 months from the priority date. Accordingly, the last day of the thirty-month period for paying the basic national fee for entry into the national stage in the United States was 26 July 2002.

On 14 November 2003, applicant filed the present papers which were accompanied, inter alia; by itemized post card receipts stamped by the PTO with receipt dates of 17 July 2002 and 11 October 2002; a copy of a transmittal letter for a filing under 35 U.S.C. 371; a copy of the international application containing a specification, including claims and drawings; a preliminary amendment and an executed declaration of the inventor.

DISCUSSION

Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped

thereon by the PTO."

As stated above, the best evidence of what was actually received by the Office on a particular date is a copy of returned date stamped postcard receipt that was filed with papers in question and contains a specific itemization of all items being submitted. In the present instance, applicant has provided post card receipts dated 17 July 2002 and 11 October 2002 which shows the following papers being filed:

A. Post Card Receipt dated 17 July 2002

1) Application Transmittal Letter;
2) Copy of PCT/IB01/00070 as published
3) Copy of IPER and amendments
4) Preliminary Amendment
5) Application Data Sheet

B. Post Card Receipt dated 11 October 2002

1) Transmittal Letter
2) Executed inventor's declaration

The papers filed 17 July 2002 and 11 October 2002 are accepted as the contents of application number 10/477,867 and will be used to reconstruct the PTO application file. As authorized, payment of the full, U.S. Basic National fee ($520.00) and surcharge for providing an executed oath or declaration of the inventor later than thirty months from the priority date ($65.00) will be charged to Deposit Account No.: 06-0735.

CONCLUSION

For the reasons stated above, applicant's petitions under 37 CFR 1.181 are **GRANTED**.

This application is being forwarded to United States Designated/Elected Office (US/DO/EO) for further national stage processing, including according the application a 35 U.S.C. 371(c) date of **11 October 2003**.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (703) 305-0130
Fax: (703) 308-6459

14 OCT 2004

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Howard F. Mandelbaum
Levine & Mandelbaum
Empire State Building, Suite 7814
350 Fifth Avenue
New York, NY 10118

In re Application of BARAZZA, et al. PCT No.: PCT/IB01/00070 Application No.: 10/477,867 Int. Filing Date: 23 January 2001 Priority Date: 26 January 2000 Atty. Docket No.: METR0470US For: FOCUSING SYSTEM FOR VIDEO-PROJECTOR	AMENDED DECISION ON PETITION

On 10 December 2003, applicant was mailed a decision granting applicant's petition under 37 CFR 1.181 to reconstruct the present National stage application. The decision inadvertently identified the 371 date as 11 October 2003. In fact, applicant filed an executed declaration on 11 October 2002 which is the correct 371 date. This decision is written to amend the previous decision as to the 371 date.

For the reasons above, the petition under 37 CFR 1.181 remains **GRANTED**.

The "Notification of Missing Requirements" (Form PCT/DO/EO/905)" mailed on 10 June 2003 is hereby **VACATED**.

The application has an international filing date of 23 January 2001 under 35 U.S.C. 363 and will be given a date of **11 October 2002** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/20/2010

Applicant	: Yong Min Kim	: DECISION ON REQUEST FOR
Patent Number	: 7618579	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/477,882	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/19/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1202** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : 4/5/08

Patent No. : 7223450 B2
Application No : 10/477896
Inventor(s) : Taugerbeck et al.
Issued : May 29, 2007
Title : **CHIRAL COMPOUNDS**
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 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).

In view of the foregoing, your request is hereby 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 Mary F. Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 110

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

MFD/eme

UNITED STATES 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

FEB 0 2 2007

OFFICE OF PETITIONS

In re Application of
Catherine Genevieve Yvette Dartois et al.
Application No. 10/477,900
Filed: May 24, 2004
Attorney Docket No. P32830

ON PETITION

This is a decision on the petition filed January 10, 2007 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 November 17, 2006 for failure to timely pay the issue fee on or before June 29, 2006. Accordingly, a Notice of Abandonment was mailed December 22, 2006.

The issue fee, publication fee and petition fee have all 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
www.uspto.gov

PAUL, HASTINGS, JANOFSKY & WALKER, LLP
875 15TH STREET, NW
WASHINGTON, DC 20005

COPY MAILED

FEB 0 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Henry Ji	:	
Application No. 10/477,907	:	DECISION ON PETITION
Filed: November 13, 2003	:	TO WITHDRAW
Attorney Docket No. 71421.00003.UTL1	:	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 16, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Trevor Q. Coddington and all attorneys/agents associated with customer number 36183 has been revoked by the applicant of the patent application on January 29, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

There is no outstanding Office action at this time.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Townsend and Townsend and
Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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
10/477,907	11/13/2003	Henry Ji	USP2300A-PATI

CONFIRMATION NO. 8089

POWER OF ATTORNEY NOTICE

36183
PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, NW
Washington, DC 20005

OC000000028124774

Date Mailed: 02/07/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/29/2008.

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

/ksturner/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : 7,405,062 B2
Ser. No. : 10/477,907
Inventor(s) : Henry Ji
Issued : July 29, 2008
Title : NOVEL METHOD FOR CLONING VARIABLE DOMAIN SEQUENCES OF IMMUNOLOGICAL GENE REPERTOIRE
Docket No. N/A

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.

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.

Eva James
Mary Diggs
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 1241** or 125

Townsend and Townsend and Crew LLP
Two embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

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

12/16/08

Patent No. :7452259
Ser. No. :10/477930
Inventor(s) :Hubertus Maleika
Issued : 11/18/08
Title : SPEED CONTROLLER FOR TOY VEHICLES
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

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

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

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

COPY MAILED
MAR 25 2009
OFFICE OF PETITIONS

In re Patent No. 7,452,259	:	
Issue Date: November 18, 2008	:	
Application No. 10/477,930	:	ON PETITION
Filed: November 18, 2003	:	
Attorney Docket No. 2134-026	:	

This is a decision on the petition filed January 21, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

The $130 processing fee is being charged to counsel's deposit account as authorized.

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.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

Mail Date: 06/11/2010

Applicant	: Elena Lopez Villar	: DECISION ON REQUEST FOR
Patent Number	: 7585529	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/477,935	: OF WYETH
Filed	: 03/09/2004	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

20 MAY 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

D. Edward Dolgorukov
MARSHALL & MELHORN
Four Seagate - 8th Floor
Toledo, Ohio 43604

In re Application of WILLING, Achim U.S. Application No.: 10/477,965 PCT No.: PCT/EP02/05509 Int. Filing Date: 17 May 2002 Priority Date: 18 May 2001 Attorney Docket No.: 1-16420 For: LIGHT FOR MATCHING SURFACES	**DECISION** **UNDER** **37 CFR 1.42**

This decision is in response to declaration submitted on 28 April 2004 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 06 April 2004, a Notification of Missing Requirements was mailed indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee of $65.00 was required. A two-month time limit was set for response.

On 28 April 2004, applicant filed a response which was accompanied by, *inter alia*, a declaration signed by Gerda Willing for deceased sole inventor, Achim Willing and the surcharge fee of $65.00.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Applicant has furnished a declaration signed by Gerda Willing as heir of the deceased inventor, Achim Willing. The citizenship of the deceased inventor is listed pursuant to 37 CFR 1.497(a)(3). In addition, the citizenship and residence of the heir is recorded on the declaration pursuant to 37 CFR 1.497(b)(2)..

It is noted that the submission of the declaration executed by the sole heir of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed and that no legal representative is required

by the applicable law to be appointed. If this interpretation is incorrect, applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

Accordingly, the declaration submitted complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 17 May 2002, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 28 April 2004.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

UNITED STATES 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

APR 16 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
KADONO, SHINYA, et al. :
Application No. 10/478,010 : DECISION ON PETITION
Filed: November 17, 2003 : TO MAKE SPECIAL
For: **PICTURE ENCODING METHOD AND IMAGE DECODING METHOD** :

This is a decision on the petition filed April 1, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

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

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : October 11, 2005

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Hiroshi Miwa, et al.
Application No. : 10/478,015
Filed : May 24, 2004

The above-identified application has been assigned Patent No. 6,958,461 and an issue date of October 25, 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 October 25, 2005:

> "All reference to Patent No. 6,958,461 to HIROSHI MIWA, ET AL. of JAPAN for MOTOR DRIVEN RESISTANCE SPOT WELDING GUN appearing in the Official Gazette of October 25, 2005, should be deleted since no patent was granted."

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

cc: Paul Harrison, Crystal Park 3-44l (FAX-306-2737)
Deneise Boyd, Crystal Park 2, Suite 1100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-9l0 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane K.Davis, P/OCS, CM1-6A07
Tamara K. Greene, PK3-910

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

COPY MAILED

OCT 1 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Hiroshi Miwa, et al.	:	
Application No. 10/478,015	:	ON PETITION
Filed: May 24, 2004	:	
Attorney Docket No.: 0303-0479P	:	
	:	

This is a decision on the petition, filed October 11, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 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 2838 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HODGSON RUSS LLP
THE GUARANTY BUILDING
140 PEARL STREET
SUITE 100
BUFFALO, NY 14202-4040

Mail Date: 04/21/2010

Applicant	: Kris Anderson	: DECISION ON REQUEST FOR
Patent Number	: 7667058	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/478,039	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1119** 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

HODGSON RUSS LLP
THE GUARANTY BUILDING
140 PEARL STREET
SUITE 100
BUFFALO, NY 14202-4040

Mail Date: 05/18/2010

Applicant : Kris Anderson
Patent Number : 7667058
Issue Date : 02/23/2010
Application No : 10/478,039
Filed : 07/30/2004

: 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 **1162** 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).

02 AUG 2004

#4

UNITED STATES PATENT and TRADEMARK OFFICE

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

Fildes & Outland, P.C.
20916 Mack Avenue, Suite 2
Grosse Pointe Woods, MI 48236

In re Application of	:	DECISION ON
Erkki Laitila	:	
PCT No.: PCT/FI02/00411	:	
Application No.: 10/478,041	:	PETITION UNDER
Int. Filing Date: 15 May 2002	:	
Priority Date: 15 May 2001	:	
Attorney's Docket No.: 11001.123	:	37 CFR 1.47(b)
For: METHOD FOR DEVELOPING A	:	
TRANSLATOR AND A CORRESPONDING	:	
SYSTEM	:	

This decision is in response to applicant's "PETITION UNDER 37 C.F.R. 1.47(b)" faxed on 01 April 2004 that seeks the acceptance of the application without the signature of the inventor Erkki Laitila. The requisite $130 petition fee has been paid by check.

BACKGROUND

On 15 May 2002, applicant filed international application PCT/FI02/00411, which claimed priority of an earlier application filed 15 May 2001. A copy of the intentional application was transmitted on 21 November 2002 to the USPTO from the International Bureau.

On 17 November 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). However, no executed declaration or oath was submitted at such time.

On 23 March 2004, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 indicating the following items must be submitted that the 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 within the period set forth below. The notification set a period of two (2) months from the date of this notice or 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment."

In an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), petitioner faxed on 01 April 2004, the following:

1) a petition under 37 CFR 1.47(b);

2) a Declaration for U.S. Patent Application executed by Kyosti Moisio, Receiver;

3) Declaration by Mr. Kimmo Helke;

4) the required petition fee.

5) postcard indicating that the above items were submitted on February 26, 2004.

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.

Applicant has satisfied items (1), (3) and (6) but not items (2), and (4)-(5) thus not completing the requirements under 37 CFR 1.47(b).

Applicant has satisfied item (1) since the petition fee has been provided by applicant.

Regarding requirement (2), although applicant has concluded that Erkki Laitila has refused to sign the declaration the petition does not include sufficient proof to establish that inventor Mr. Laitila has refused to execute the application. The standards for proof are set forth in MPEP § 409.03(d), which provides:

> 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....
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the non - signing inventor, or, if the non - signing inventor is represented by counsel, to the address of the non - signing inventor's attorney.

> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.

Although the application papers including the Declaration were presented to Erkki Laitila on November 11th, 2003 for his signature, the petition does not include sufficient proof to establish that inventor Erkki Laitila has refused to execute the application. In this instance, Mr. Helke's declaration neither details the time and place of the verbal refusal as required when there is an express oral refusal nor has a copy of the email that contains the items delivered and received by Mr. Laitila has been provided with the petition.

Consequently, the current record does not sufficiently establish Mr. Laitila's refusal to sign the required papers.

Regarding item (3), applicant has stated the last known address of the inventor:

Mr. Erkki Laitila
Saaksmaentie 14 A
FIN-40520, Jyvaskyla, Finland

Regarding item (4) a declaration has been provided which is executed by Kyosti Moiso, a receiver signing on behalf of the corporation for the non-signing sole inventor, Mr. Laitila. The declaration, however, is defective because it does not state the relationship of the person signing to the inventor, as required by 37 CFR 1.497(b)(2).

Regarding item (5) applicant has not submitted sufficient proof that applicant has a proprietary interest in the application. A copy of the translated assignment agreement between Mr. Laitila and Softageneraattori Oy has been provided, however, it appears to apply to the priority document and to the present national stage application since it unclear that this application is identical to the priority document. In the case of a substitute or CIP application, a prior assignment of the original application is not applied to the substitute or CIP application because the assignment recorded against the original application gives the assignee rights to only the subject matter common to both applications. Substitute or CIP applications require new assignment if they are to be issued to an assignee. Note MPEP 306

Regarding item (6) applicant has presented an adequate showing that the granting of this petition is necessary to preserve the rights of the parties or to prevent irreparable damage if the response to the missing parts of the application is not timely.

Accordingly, since items (2) and (4)-(5) under 37 CFR 1.47(b) have not been met; therefore, it is not appropriate to accord the national stage application status at this time.

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.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6312
Fax: (703) 308-6459

Leonard Smith
PCT Legal Examiner
PCT Legal Office

05 APR 200

#8

UNITED STATES PATENT and TRADEMARK OFFICE

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

Fildes & Outland, P.C.
20916 Mack Avenue, Suite 2
Grosse Pointe Woods, MI 48236

In re Application of	:	DECISION ON
Erkki Laitila	:	
PCT No.: PCT/FI02/00411	:	
Application No.: 10/478,041	:	PETITION UNDER
Int. Filing Date: 15 May 2002	:	
Priority Date: 15 May 2001	:	
Attorney's Docket No.: 11001.123	:	37 CFR 1.47(b)
For: METHOD FOR DEVELOPING A	:	
TRANSLATOR AND A CORRESPONDING	:	
SYSTEM	:	

This decision is in response to applicant's "RENEWED PETITION UNDER 37 C.F.R. 1.47(b)" submitted on 13 September 2004 that seeks the acceptance of the application without the signature of the inventor Erkki Laitila.

BACKGROUND

In a decision from this Office on 02 August 2004, the petition filed on 01 April 2004 was dismissed because applicant did not satisfy items (2) and (4)-(5) under 37 CFR 1.47(b).

On 13 September 2004, applicant filed a renewed petition, which includes, inter alia, a declaration by Mr. Helke, and exhibits A-D.

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.

Applicant renewed petition satisfied items (1), (3) and (4)-(6) but not item (2), thus not completing the requirements under 37 CFR 1.47(b).

Applicant has satisfied item (1) since the petition fee has been provided by applicant.

Regarding requirement (2), although applicant has concluded that Erkki Laitila has refused to sign the declaration the petition does not include sufficient proof to establish that inventor Mr. Laitila has refused to execute the application. The standards for proof are set forth in MPEP § 409.03(d), which provides:

> 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....
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the non - signing inventor, or, if the non - signing inventor is represented by counsel, to the address of the non - signing inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.

Although Helke's declaration states on ¶ 7 that Erkki Laitila was presented with the national phase U.S. application on November 12th and 13th, 2003 by email and phone, a review of the email of that date does not support his statement because the email broadly refers to, "... to sign the documents required for patent application...." It seems to refer to documents already sent to Mr. Laitila and does not mention anything about a copy of the application papers (specification, including claims, drawings, and oath or declaration) sent to him for his review and signature. Also the copy of the email does not contain any copy of attachments (declarations, claims...) if any were sent with the email for Mr. Laitila's review and signature. Accordingly, no documentary proof has been submitted to substantiate that a copy of the application papers (specification, including claims, drawings, and oath or declaration) were delivered to Erkki Laitila.

Consequently, the current record does not sufficiently establish Mr. Laitila's refusal to sign the required papers.

Regarding item (3), applicant has stated the last known address of the inventor:
Mr. Erkki Laitila
Saaksmaentie 14 A
FIN-40520, Jyvaskyla, Finland

Regarding item (4) a declaration has been provided which is executed by Kyosti Moiso, a receiver signing on behalf of the corporation for the non-signing sole inventor, Mr. Laitila. The declaration now states the relationship of the person signing to the inventor, as required by 37 CFR 1.497(b)(2).

Regarding item (5) applicant has submitted sufficient proof that applicant has a proprietary interest in the application. A copy of the translated assignment agreement between Mr. Laitila and Softageneraattori Oy has been provided and in the renewed petition applicant states that the national phase 10/478,041 is the same invention and includes the same subject matter as the parent international application PCT/FI02/00411 and the parent priority Finnish application FI 20011015.

Regarding item (6) applicant has presented an adequate showing that the granting of this petition is necessary to preserve the rights of the parties or to prevent irreparable damage if the response to the missing parts of the application is not timely.

Accordingly, since item (2) under 37 CFR 1.47(b) has not been met; therefore, it is not appropriate to accord the national stage application status at this time.

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 "Second 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.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

Leonard Smith
PCT Legal Examiner
PCT Legal Office

14 JUN 2005

#18

UNITED STATES PATENT and TRADEMARK OFFICE

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

Fildes & Outland, P.C.
20916 Mack Avenue, Suite 2
Grosse Pointe Woods, MI 48236

In re Application of	DECISION ON SECOND
Erkki Laitila	
PCT No.: PCT/FI02/00411	
Application No.: 10/478,041	
Int. Filing Date: 15 May 2002	
Priority Date: 15 May 2001	RENEWED PETITION
Attorney's Docket No.: 11001.123	
For: METHOD FOR DEVELOPING A TRANSLATOR AND A CORRESPONDING SYSTEM	UNDER 37 CFR 1.47(b)

This decision is in response to applicant's "SECOND RENEWED PETITION UNDER 37 C.F.R. 1.47(b)" submitted on 13 September 2004 that seeks the acceptance of the application without the signature of the inventor Erkki Laitila.

BACKGROUND

In a decision from this Office on 05 April 2005, the petition filed on 13 September 2004 was dismissed because applicant did not satisfy items (2) under 37 CFR 1.47(b).

On 06 May 2005, applicant filed a renewed petition, which includes, inter alia, a declaration by Mr. Helke.

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.

Applicant's renewed petition satisfied item (2). Thus not completing the requirements under 37 CFR 1.47(b).

Regarding requirement (2), Helke's declaration states that he sent on August 13, 2004 another copy of the patent application and that inventor Laitila telephoned Helke at his office on August 16, 2004 and said he would not sign the declaration.

Consequently, the current record does sufficiently establish Mr. Laitila's refusal to sign the required papers.

Accordingly, items (1) – (6) under 37 CFR 1.47(b) has been met; therefore, it is appropriate to accord the national stage application status at this time.

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 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 (DO/EO/US) to continue national stage processing of the application. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **13 September 2004.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

14 JUN 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

Mr. Erkki Laitila
Saaksmaentie 14 A
FIN-40520, Jyvaskyla, Finland

In re Application of
Erkki Laitila
PCT No.: PCT/FI02/00411
Application No.: 10/478,041
Int. Filing Date: 15 May 2002
Priority Date: 15 May 2001
Attorney's Docket No.: 11001.123
For: METHOD FOR DEVELOPING A TRANSLATOR AND A CORRESPONDING SYSTEM

Dear Mr. Laitila:

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. 118. 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

Fildes & Outland, P.C.
20916 Mack Avenue, Suite 2
Grosse Pointe Woods, MI 48236

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN - 3 2005

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

In re Application of	:
Eiji Mori et al.	: PETITION TO MAKE SPECIAL
Serial No.: 10/478,056	:
Filed: November 18, 2003	:
Attorney Docket No.: 081356/0206	

This is in response to the petition filed May 11, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d). The delay in acting on this petition is regretted.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, X. Therefor the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the Office general facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/21/2010

Applicant	: Kiyoshi Habu	: DECISION ON REQUEST FOR
Patent Number	: 7592502	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/478,058	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/18/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **781** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

COPY MAILED
JAN 04 2010

In re Application of
Pauli Pieti
Application No. 10/478,059
Filed: November 18, 2003
Attorney Docket No. 43289-202689

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 26, 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, 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 3743 for appropriate action by the Examiner in the normal course of business on the reply received July 21, 2009 and July 17, 2009.

/KOC/
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

0 8 FEB 2007

AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER NJ 07921

In re Application of	:	DECISION ON
WARD et al	:	
PCT No.: PCT/GB2002/002013	:	
Application No.: 10/478,061	:	
Int. Filing Date: 02 May 2002	:	PETITION UNDER
Priority Date: 25 May 2001	:	
Attorney's Docket No.: 2002-0122	:	
For: USER INTERFACE SYSTEMS	:	37 CFR 1.47(a)

This decision is in response to applicants' "PETITION UNDER 37 C.F.R. 1.47(a)" submitted on 09 August 2004 that seeks the acceptance of the application without the signature of the inventor Mr. Peter Joseph Steggles. The petition fee of $130.00 has been charged to petitioner's deposit account.

BACKGROUND

On 02 May 2002, applicants filed international application PCT/GB02/02013, which claimed priority of an earlier application filed 25 May 2001. A copy of the international application was transmitted to the United States from the International Bureau on 05 December 2002.

On 18 November 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). However, no executed declaration or oath was submitted at such time.

On 07 April 2004, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 indicating, *inter alia*, that "the 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," and "$130.00 surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required." The notification set two (2) months from the date of this notice or 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment."

On 09 August 2004, applicants submitted an executed declaration signed by Andrew Martin Ward and Stephen Edward Hodges on their behalf and on the behalf of nonsigning joint inventor Peter Joseph Steggles. In addition, a petition under 37 CFR 1,47(a) was included.

On 15 September 2004, the Office mailed 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 09 August 2004.

This application is now before the PCT Legal Office for consideration of matters under 35 USC 371, specifically the petition under 37 CFR 1.47(a) filed on 09 August 2004.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (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), (3) and (4) of 37 CFR 1.47(a). However, requirement (2) has not been satisfied.

Regarding item (2), Ms. Asquith's states that petitioner has been unsuccessful in obtaining the signature of Steggles because the formal papers were mailed to his last known address for his signature and they have not been returned. In addition, an email including attachment copies of the application as filed, Declaration and Assignment was sent to an email contact information for him but it was undeliverable.

However, these statements are not sufficient to support a finding that the nonsigning inventor, Steggles refuses to sign because it is unclear if 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 because the mailing does not refer to the application as filed mailed with the formal papers as the statement about the email transmission. Further, the email was undeliverable. Also, contrary to petitioner's allegation, it appears petitioner has not made a diligent effort to find Mr. Steggles.

More over, petitioner did not file a statement from Mrs. Clements, who is the person involved in the mailing of the letters and sending electronic communications listed and has first hand knowledge of those facts as required by MPEP Section 409.03(d). Since Ms. Asquith did not participate and does not have first knowledge of the electronic communications with Mr. Steggles, she will need to submit a statement from Mrs. Clements with specific facts on the actions referred to by the emails and the physical mailings.

In addition, it is unclear if Mr. Steggles still resides in that address because of the efforts to try to locate him. If not, then petitioner is under an obligation to try to find or reach Mr. Steggles. For example, Ms. Asquith has not shown that she has searched for the above non-signing inventor's new address by using a broad search in the internet or by using a phone director to try to locate Mr. Steggles' new address. Where there is an inability to find or reach a joint inventor "after diligent effort, " petitioner may file a statement of facts that fully describes the exact facts which are relied on to establish that a diligent effort was made under **37 CFR 1.47**.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

Accordingly, at this time it can not be concluded that the nonsigning Mr. Steggles refuses to sign or could not be reached after diligent effort as stipulated under 37 CFR 1.47(a).

CONCLUSION

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 15 September 2004 was an error and is **VACATED** with the mailing of this decision.

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. 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: (571) 272-3276
Facsimile: (571) 272-0459

UNITED STATES PATENT and TRADEMARK OFFICE

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

03 AUG 2007

AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER NJ 07921

In re Application of	:	DECISION ON RENEWED
WARD et al	:	
PCT No.: PCT/GB2002/002013	:	
Application No.: 10/478,061	:	
Int. Filing Date: 02 May 2002	:	PETITION UNDER
Priority Date: 25 May 2001	:	
Attorney's Docket No.: 2002-0122	:	
For: USER INTERFACE SYSTEMS	:	37 CFR 1.47(a)

This is in response to the " RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 02 July 2007.

BACKGROUND

In a decision from this Office on 08 February 2007, the petition filed on 09 August 2004 under 37 CFR 1.47(a) was dismissed. The decision stated that requirement (2) under 37 CFR 1.47(a) was not met.

On 02 July 2007, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 08 February 2007. Petitioner submits a declaration by Mr. Robert T. Canavan that sets forth additional factual circumstances surrounding Mr. Steggles' refusal.

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 24 July 2006 has satisfied the requirements under 37 CFR 1.47(a).

Mr. Canavan'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 his signature as stipulated under MPEP 409.03(d). In this instance, Mr. Canavan mailed Mr. Steegles a copy of the application papers and they corresponded by email as evidence of the attachments included in the file. Mr. Steegles actions reflect a refusal on his part to sign the required papers.

Consequently, the current record does sufficiently establish Mr. Steegles refusal to join in the application because petitioner has shown a *bona fide* attempt was made to deliver the complete application to him and that he refused to sign the required as evidenced by email communications.

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).

CONCLUSION

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 **09 August 2004.**

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

01 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Samuel H. Dworetsky
AT&T Corporation
Room 2A-207, One AT&T Way
Bedminster, New Jersey 07921

In re Application of	:	
WEBSTER et al.	:	
Application No.: 10/478,082	:	
PCT No.: PCT/GB02/02014	:	DECISION ON PETITION
Int. Filing Date: 02 May 2002	:	UNDER 37 CFR 1.47(a)
Priority Date: 18 May 2001	:	
Attorney Docket No.: 2001-0132	:	
For: MICROPROCESSORS WITH IMPROVED POWER EFFICIENCY	:	

This is a decision on applicants' "Petition under 37 CFR 1.47(a)" filed 09 August 2004 to accept the application without the signature of joint-inventor, Phil Endecott. The required petition fee of $130.00 has been submitted.

BACKGROUND

On 02 May 2002, applicants filed international application PCT/GB02/02014 which claimed a priority date of 18 May 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 28 November 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, 18 November 2003.

On 18 November 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); a copy of the international application; and a preliminary amendment.

On 05 March 2004, 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 09 August 2004, applicants filed the present petition under 37 CFR 1.47(a) and the three-month extension of time fee.

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 nonsigning 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 Phil Endecott and that Mr. Endecott has refused to execute the application.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 02 May 2002 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.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 703-308-6314
Fax: 703-308-6459

01 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Phil Endecott
1 Petworth Street
Cambridge
Cambridgeshire
CB1 2LY
Great Britain

In re Application of
WEBSTER et al.
Application No.: 10/478,082
PCT No.: PCT/GB02/02014
Int. Filing Date: 02 May 2002
Priority Date: 18 May 2001
Attorney Docket No.: 2001-0132
For: MICROPROCESSORS WITH IMPROVED POWER EFFICIENCY

Dear Mr. Endecott:

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 703-308-6314
Fax: 703-308-6459

Counsel of Record:
Samuel H. Dworetsky
AT&T Corporation
Room 2A-207, One AT&T Way
Bedminster, New Jersey 07921

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ECOLAB INC.
MAIL STOP ESC-F7, 655 LONE OAK DRIVE
EAGAN MN 55121

COPY MAILED

APR 01 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Holger Biering, et al. :
Application No. 10/478,099 :
Filed: November 19, 2003 :
Attorney Docket No. 1823USWO :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 9, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b) (2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is November 10, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $790, and the submission required by 37 CFR 1.114; (2) the petition fee of $1500; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1744 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

COPY MAILED

JUL 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Allan Otto Fog Lihme, et al.	:	
Application No. 10/478,111	:	DECISION ON PETITION
Filed: March 10, 2004	:	TO WITHDRAW
Attorney Docket No. 05799.0149USWO	:	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).

The request was signed by Sara M. Monfeldt on behalf of herself.

Sara M. Monfeldt has been withdrawn as attorney; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is an outstanding Office action mailed March 21, 2007 that requires a reply from applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

24 MAR 2004

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Donna O. Perdue
Pillsbury Winthrop LLP
Intellectual Property Group
11682 El Camino Real
Suite 200
San Diego, CA 92130-2092

In re Application of	:	
DULHUNTY et al.	:	
Application No.: 10/478,112	:	DECISION ON PETITION
PCT No.: PCT/AU02/00698	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 17 May 2002	:	
Priority Date: 17 May 2001	:	
Attorney Docket No.: 007643/0306814	:	
For: METHOD OF MODULATING THE ACTIVITY OF CALCIUM CHANNELS IN CARDIAC CELLS AND REAGENTS THEREFOR		

The petition to revive under 37 CFR 1.137(b) filed 18 November 2003 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 $540 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 $65 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Orum & Roth LLC
53 W. Jackson Boulevard
Chicago IL 60604-3606

COPY MAILED
OCT 13 2006
OFFICE OF PETITIONS

In re Application of	:	
SCHILL	:	
Application No. 10/478,116	:	DECISION ON PETITION
Filed: June 01, 2004	:	TO WITHDRAW
Attorney Docket No. 13678	:	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 16, 2006.

The request is **APPROVED**.

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

The request was signed by Catherine L. Gemrich.

Catherine L. Gemrich has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

A Review of the file discloses that a non-final Office action was mailed on June 05, 2006, which set forth a three month shortened statutory period for reply. Extensions of time under 37 CFR 1.136(a) were available. To date, there is no indication that a reply to the Office action of June 05, 2006 has been received.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.

David Bucci
Petitions Examiner
Office of Petitions

03 DEC 2003

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Robert Berliner
Fulbright & Jaworski L.L.P.
865 South Figueroa
Twenty-Ninth Floor
Los Angeles, CA 90017-2571

In re Application of MORSE et al	:	
U.S. Application No.: 10/478,118	:	
PCT Application No.: PCT/US01/11481	:	
Int. Filing Date: 04 April 2001	:	DECISION
Priority Date Claimed: 04 April 2000	:	
Attorney Docket No.: LA-1279-308	:	
For: METHODS, COMPOSITIONS AND BI-FUNCTIONAL CATALYSTS FOR SYNTHESIS OF SILICA, GLASS, SILICONES	:	

This is in response to applicant's "Petition to Accept an Application That was Previously Filed" submitted on 21 November 2003.

BACKGROUND

On 04 April 2001, applicant filed international application PCT/US01/11481, which claimed priority of an earlier United States application filed 04 April 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 22 November 2001. A Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired on 04 October 2002.

On 11 September 2002, applicant purportedly filed national stage papers for PCT/US01/11481 with the United States Designated/Elected Office (DO/EO/US) in the same envelope with national stage papers for international application PCT/US01/10227.

On 21 November 2003, applicant filed the present petition along with a copies of return postcard receipts for the respective national stage applications.

DISCUSSION

The evidence of record is sufficient to establish that the Transmittal Letter (Form PTO-1390) for the present application was originally filed on 11 September 2002. Specifically, the copy of the return postcard, which includes the Transmittal Letter in its itemized contents and which bears a USPTO date stamp of 11 September 2002, serves as *prima facie* evidence that the Transmittal Letter was received by the USPTO on 11 September 2002. It is noted that the return postcard lists the inventor's name and the attorney docket number which correspond to the present application.

CONCLUSION

For the reasons above, the petition is GRANTED.

The present national stage application has been assigned U.S. Application Number 10/478,118.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Jan. 20, 2006

TO SPE OF : ART UNIT 1751 (~~Yogendra Gupta~~) Douglas McGinty

SUBJECT : Request for Certificate of Correction on Patent No.: 6,962,611

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 claims. Your denial or approval decision is needed below.

sp

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 x120

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

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

Comments:

DOUGLAS MCGINTY
SUPERVISORY PATENT EXAMINER

Douglas McGinty — **SPE**

1751 — **Art Unit**

14 DEC 2004

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

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

John F. Hoffman
Baker & Daniels
111 East Wayne Street
Suite 800
Fort Wayne IN 46802

In re Application of BECKER-WEIMAN et al.	:
Application No.: 10/478,143	: DECISION ON PETITION
PCT No.: PCT/DE02/01771	:
Int. Filing: 16 May 2002	:UNDER 37 CFR 1.47(a)
Priority Date: 18 May 2001	:
Attorney Docket No.: PTF0020	:
For: METHOD AND DEVICE FOR	:
PRODUCING PARTS HAVING SEALING	:
LAYER ON THE SURFACE	:
AND CORRESPONDING PARTS	:

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 28 September 2004, to accept the application without the signature of joint inventor, Oliver Büker. Applicant also requests a four month extension of time, which is granted.

BACKGROUND

On 18 November 2003, applicant 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 was, *inter alia*, the requisite basic national fee.

On 31 March 2004, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 28 September 2004, applicant filed the instant Petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4). The petition requested the acceptance of the application without the signature of inventor, Oliver Büker, alleging that Mr. Büker refuses to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

The petition included the requisite petition fee, satisfying Item (1). Item (3) is satisfied because the last known address of non-signing inventor, Oliver Büker, was provided.

However, with regard to item (4), an oath or declaration must be signed by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor. Here, the declaration was executed by the available joint inventors and signed by Klaus Becker-Weimann on behalf of the non-signing inventor, Oliver Büker. It is accompanied by a Statement of Mr. Klaus Becker-Weimann, indicating that the declaration "was signed by myself on behalf of Mr. Oliver Büker". The declaration does not meet the requirement of 37 CFR 1.47(a) because the declaration is not signed by the third joint inventor Uwe Schroeder on behalf of the non-signing inventor Oliver Büker. A newly executed declaration signed by the third inventor, Uwe Schroeder on his behalf and on behalf of the nonsigning inventor Oliver Büker is required.

Applicant attempted to satisfy Item (2) with the submission of a declaration under 37 CFR 1.47(a) from Nicole Fries, employee of Klebchemie M.G. Becker GmbH and Co. KG. Ms. Fries states that she sent "a Declaration and Assignment relating to the above-referenced patent application under cover letter to Mr. Büker for his signature at Mr. Büker's home address...on May 12, 2004." A copy of the letter was attached. Thereafter, in a telephone conversation on 16 June 2004, Mr. Büker refused to sign the Declaration and Assignment and declared that he would sign same only after having contacted his own patent attorney. Thereafter, on 16 September 2004, with Mr. Tim Kroffges, an employee of Klebchemie, Ms. Fries contacted Mr. Büker by telephone. Ms. Fries states that during that telephone conversation, "Mr. Büker declared to me, in the presence of Mr. Kroffges, his refusal to sign the Declaration and Assignment." Ms. Fries also sent a copy of the Declaration and Assignment to Mr. Büker to his home address by certified mail, in a further attempt to obtain Mr. Büker's signature. (A copy of the letter was attached to Ms. Fries' statement.) Ms. Fries indicates that as of the date of her statement (22 September 2004), she has not received the said documents. Mr. Kroffges and Ms. Fries state that Mr. Büker has not acted on and returned the Declaration and Assignment or communicated further with either of them or the co-inventors, concluding that Mr. Büker will not sign the Declaration or other documents. (Fries Decl., ¶h and Kroffges Decl. ¶c)

However, neither Ms. Fries or Mr. Kroffges indicates that a complete copy of the application (including specification, claims and drawings) was sent to Mr. Büker. The English translation of only a portion of the cover letters sent to Mr. Büker did not indicate that a complete copy of the application papers was provided. Applicant is reminded that in the future, a complete English translation of a foreign language document is required.

Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal, states, in part:

> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein....
>
> *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 the conclusion is based should be stated in a 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 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.)

In her declaration under 37 CFR 1.47(a), Ms. Fries indicates that <u>only</u> the declaration and assignment were sent to the inventor for his signature with no mention or proof that a copy of application papers (specification, including claims, and drawings) was sent to the nonsigning inventor for his signature. Indeed, the English translation of a letter to Mr. Büker outlining the documents enclosed indicates that only the declaration and assignment were enclosed.

Thus, there is no indication that a complete copy of the application papers including specification, claims and drawings, was mailed to Mr. Büker. What is required is that Mr. Büker be presented with a copy of all of the national stage application papers (oath and declaration, specification, including claims and drawings) for this application.

Petitioner is reminded that where a refusal to sign the application papers is alleged, the circumstances of the presentation of the 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 by the person having firsthand knowledge of the facts recited therein. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts.

In sum, petitioner has not demonstrated: (1) a *bona fide* attempt was made to present a copy of the application papers for U.S. application 10/478,143 (specification, including claims, drawings, and declaration) to the nonsigning inventor for his signature and (2) Mr. Büker's refusal to sign, either in writing or by telephone, these documents. Furthermore, a newly executed declaration signed by Uwe Schroeder on his behalf and on behalf of the nonsigning inventor is required.

The evidence submitted does not support a finding that the nonsigning inventor refuses to sign the application for the reasons set forth above. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE.**

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) 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 petition fee is required. Any further extensions of time available 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
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459

12 MAY 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

John F. Hoffman
Baker & Daniels
111 East Wayne Street
Suite 800
Fort Wayne IN 46802

In re Application of BECKER-WEIMANN et al.	:
Application No.: 10/478,143	: DECISION ON PETITION
PCT No.: PCT/DE02/01771	:
Int. Filing: 16 May 2002	:UNDER 37 CFR 1.47(a)
Priority Date: 18 May 2001	:
Attorney Docket No.: PTK0020	:
For: METHOD AND DEVICE FOR PRODUCING PARTS HAVING SEALING LAYER ON THE SURFACE AND CORRESPONDING PARTS	:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 10 May 2005, to accept the application without the signature of joint inventor, Oliver Büker. Applicant also requests a three month extension of time, which is granted.

BACKGROUND

On 18 November 2003, applicant 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 was, *inter alia*, the requisite basic national fee.

On 31 March 2004, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 28 September 2004, applicant filed a Petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4). The petition requested the acceptance of the application without the signature of inventor, Oliver Büker, alleging that Mr. Büker refused to sign the application.

On 14 December 2004, a decision dismissing the petition was mailed to applicant indicating that Mr. Büker must be presented with a copy of all of the national stage application papers (oath and declaration, specification, including claims and drawings) for this application and that a newly executed declaration signed by the third inventor, Uwe Schroeder, on his behalf and on behalf of the nonsigning inventor Oliver Büker was required.

On 10 May 2005, applicant filed a renewed petition under 37 CFR 1.47(a) along with a

new declaration executed by the three co-inventors, including Oliver Büker. The renewed petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor has now been submitted and is acceptable under 37 CFR 1.497(a) and (b).

CONCLUSION

For the above reasons, the renewed petition under 37 CFR 1.47(a) is considered **MOOT**. The declaration executed by Oliver Büker is acceptable. The declaration executed by the joint inventors and submitted on 10 May 2005 in compliance with 37 CFR 1.497 and is acceptable.

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 **10 May 2005.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459

10 AUG 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

NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK NY 10110

In re Application of	:	DECISION ON
Schulein et al	:	
PCT No.: PCT/DK02/00325	:	
Application No.: 10/478,151	:	PAPERS FILED
Int. Filing Date: 17 May 2002	:	
Priority Date: 18 May 2001	:	
Attorney's Docket No.: 10128.204-US	:	UNDER 37 CFR 1.42
For: POLYPEPTIDES HAVING ...	:	
ENCODING SAME	:	

This is a decision on the declaration filed 18 November 2003, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 18 November 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). In addition, to satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventors be submitted, applicants submitted a declaration by Torben Henriksen as legal representative of the inventor now deceased Martin Schulein.

DISCUSSION

A review of the application file reveals that the declaration does not comply with 37 C.F.R. §1.63 since both the mailing address of the legal representative and deceased inventor is required.

Because the inventor Martin Schulein is deceased and Torben Henriksen has been appointed as the legal representative for the deceased inventor, 37 C.F.R. §1.497(b)(2) indicates that "[i]f the person making the oath or the declaration or any supplemental or oath or declaration is not the inventor (§§1.42, 1.43, or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state (the inventors citizenship and so on). If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall <u>also</u> state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative." (see MPEP § 409.01)

In this instance, the mailing address of the deceased inventor has not been provided as required under 37 C.F.R. §1.63.

Consequently, applicants have not satisfied the requirements under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

Applicant is required to provide 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 respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." 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.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6312
Fax: (703) 308-6459

Leonard Smith
PCT Legal Examiner
PCT Legal Office

18 MAY 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

NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK NY 10110

In re Application of	DECISION ON
Schulein et al	
PCT No.: PCT/DK02/00325	
Application No.: 10/478,151	PAPERS FILED
Int. Filing Date: 17 May 2002	
Priority Date: 18 May 2001	
Attorney's Docket No.: 10128.204-US	UNDER 37 CFR 1.42
For: POLYPEPTIDES HAVING ...	
ENCODING SAME	

This is a decision in a response to applicants' "RESPONSE TO NOTICE TO FILE MISSING" faxed 11 October 2004, which has been treated as a renew request for status under 37 CFR 1.42.

BACKGROUND

In a decision from this Office on 10 August 2004, the request filed on 18 November 2004 was dismissed. The decision indicated that the residence and mailing address of the legal representative and the deceased inventor had not been provided as required under 37 CFR 1.63.

On 25 February 2005, applicants filed the current response, based on a conversation with the legal examiner, indicating that the application data sheet contains the deceased inventor's address as well as the legal representative's mailing address, residence, relationship to the deceased inventor, and identifies citizenship of both the deceased inventor and the legal representative.

DISCUSSION

The declaration is not accepted under 37 CFR 1.42 because the declaration does not include the residence and mailing address of Torben Henriksen (legal representative) as required under 37 CFR 1.47(b), and 37 CFR 1.64(b). Although the data sheet includes the residence and mailing addresses of the legal representative, Torben Henriksen, and of the deceased inventor, Martin Schulein, this, however, does not satisfy the requirement under 37 CFR 1.47(b) because the information pertinent to the legal representative must be in the declaration.

Accordingly, applicants have not satisfied the requirements under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

Applicant is required to provide 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 respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Second Renewed Submission Under 37 CFR 1.42." 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.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

#6

UNITED STATES PATENT and TRADEMARK OFFICE

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

09 DEC 2005

NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK NY 10110

In re Application of	DECISION ON
Schulein et al	
PCT No.: PCT/DK02/00325	
Application No.: 10/478,151	
Int. Filing Date: 17 May 2002	PAPERS FILED
Priority Date: 18 May 2001	
Attorney's Docket No.: 10128.204-US	
For: POLYPEPTIDES HAVING ...	
ENCODING SAME	UNDER 37 CFR 1.42

This is a decision in a response to applicants' "RESPONSE TO NOTICE TO FILE MISSING PARTS" filed 20 October 2005, which has been treated as a renew request for status under 37 CFR 1.42.

BACKGROUND

In a decision from this Office on 18 May 2005, the request filed on 11 October 2004 was dismissed. The decision indicated that applicants had not satisfied the requirements under 37 CFR 1.42.

On 20 October 2005, applicants filed the current declaration that includes the legal representative's address and relationship to the deceased inventor, and identifies the citizenship of the legal representative.

DISCUSSION

The declaration is accepted under 37 CFR 1.42 because the declaration includes the citizenship and mailing addresses of Torben Henriksen (legal representative). Accordingly, applicants have satisfied the requirements under 37 CFR 1.42.

Thus, the requirements under 35 USC 371(c) are satisfied.

CONCLUSION

For the above reasons, the submission of the declaration under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations until commencement of national stage processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is **20 October 2005**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

09 MAY 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCKELLAR IP LAW, PLLC
784 SOUTH POSEYVILLE ROAD
MIDLAND, MI 48640

In re Application of KOBAYASHI et al	:	
U.S. Application No.: 10/478,158	:	
PCT Application No.: PCT/JP02/05130	:	
Int. Filing Date: 27 May 2002	:	DECISION
Priority Date Claimed: 30 May 2001	:	
Attorney Docket No.: TSL - 1724US	:	
For: SILICONE COMPOSITION FOR WATER-REPELLENT COATING	:	

This is in response to applicant's "Petition to the Commissioner Under Rule 37 CFR 1.182" filed 03 April 2006, which is being treated under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 27 May 2002, applicant filed international application PCT/JP02/05130, which claimed priority of an earlier Japan application filed 30 May 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 12 December 2002. The thirty-month period for paying the basic national fee in the United States expired on 30 November 2003.

On 18 November 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 18 May 2004, 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 26 May 2004, applicant purportedly filed an executed declaration.

On 20 January 2006, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 03 April 2006, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The evidence of record is sufficient to establish that the declaration was originally filed on 26 May 2004. Specifically, the copy of the return postcard, which includes the declaration in its itemized contents and which bears a USPTO date stamp of 26 May 2004, serves as *prima facie* evidence that the declaration was received by the USPTO on 26 May 2004.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 20 January 2006 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notice of Defective Translation, which should indicate that the translation filed 18 November 2003 is improper. In particular, the published international application contains 10 claims, while the translation contains 18 claims. The translation must be a literal translation of the international application.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

27 APR 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

Daniel D. Fetterley
Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, Wisconsin 53202

In re Application of	:	
ANDERSEN, Egil	:	
Application No.: 10/478,162	:	DECISION ON PETITION
PCT No.: PCT/NO02/00040	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 31 January 2002	:	
Priority Date: 09 February 2001	:	
Attorney Docket No.: 1935-00133	:	
For: WAVE-POWERED GENERATOR DEVICE		

The petition to revive under 37 CFR 1.137(b) filed 18 November 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 reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee of $665 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. 01-2000 will be charged a $65.00 surcharge fee under 37 CFR 492(e) for supplying an oath or declaration later than 30 months from the earliest claimed priority date.

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 **18 November 2003**.

Anthony Smith

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

15 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of MYCROFT et al	:	
U.S. Application No.: 10/478,168	:	
PCT Application No.: PCT/GB02/02034	:	
Int. Filing Date: 02 May 2002	:	DECISION
Priority Date Claimed: 19 May 2001	:	
Attorney Docket No.: 2002-0133	:	
For: IMPROVED POWER EFFICIENCY IN MICROPROCESSORS	:	

This is in response to applicant's "Petition Under 37 C.F.R. § 1.47(a)" filed 25 August 2004.

BACKGROUND

On 02 May 2002, applicant filed international application PCT/GB02/02034, which claimed priority of an earlier United Kingdom application filed 19 May 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 28 November 2002. The thirty-month period for paying the basic national fee in the United States expired on 19 November 2003.

On 18 November 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 28 April 2004, 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 25 August 2004, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be

reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted declarations signed by the available inventors each on his own behalf and on behalf of the nonsigning inventor Phil Endecott.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. 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.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that joint inventor Phil Endecott refuses to sign the application papers. Petitioner has adequately demonstrated that a bona fide attempt was made to present a copy of the application papers to Endecott for signature (see affidavit of Julian Asquith and Attachment 1). Furthermore, petitioner has sufficiently shown that Endecott refuses to sign. Specifically, Endecott made an express written refusal in an electronic mail message dated 28 June 2004 (see Attachment 10). Thus, it can be concluded with reasonable certainty that Endecott refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 02 May 2002, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 August 2004.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

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

15 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Phil Endecott
1 Petworth Street
Cambridge
Cambridgeshire
CB1 2LY
Great Britain

In re Application of MYCROFT et al
U.S. Application No.: 10/478,168
PCT Application No.: PCT/GB02/02034
Int. Filing Date: 02 May 2002
Priority Date Claimed: 19 May 2001
For: IMPROVED POWER EFFICIENCY IN MICROPROCESSORS

Dear Phil Endecott:

You are named as a joint 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 set forth in 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 choose 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.

Bryan Tung
PCT Legal Examiner
PCT Legal Office
Telephone: 703-308-6614
Facsimile: 703-308-6459

AT&T CORP.
P.O. BOX 4110
MIDDLETOWN, NJ 07748
Attorney Docket No.: 2002-0133

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAIL

MAY 1 8 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Shinya Kadono, et al.
Application No. 10/478,184
Filed: November 19, 2003
For: **IMAGE ENCODING METHOD AND IMAGE DECODING METHOD**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed May 4, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

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

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

JUL 13 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Chong Soon LIM et al.
Application No. 10/478,185
Filed: November 19, 2003
For: **VARIABLE LENGTH ENCODING METHOD AND VARIABLE LENGTH DECODING METHOD**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed July 5, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

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

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications

0 3 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

GlaxoSmithKline
Corporate Intellectual Property-UW2220
PO Box 1539
King of Prussia, PA 19406-0939

In re Application of	:	
GARCON, Nathalie, et al.	:	DECISION ON
Application No.: 10/478,188	:	
PCT No.: PCT/EP01/11984	:	PETITION
Int. Filing Date: 16 October 2001	:	
Priority Date: 18 October 2000	:	UNDER 37 CFR 1.181
Attorney Docket No.: B45245	:	
For: VACCINES	:	

This decision is in response to "Petition Under 37 C.F.R. 1.181," filed on 18 November 2003. No petition fee is due.

BACKGROUND

On 16 October 2001, applicants filed international application PCT/EP01/11984. 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 deadline for entry into the national stage in the United States was thirty months from the priority date, or 18 April 2003.

On 15 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 18 November 2003, applicants filed the instant petition accompanied by a copy of the paperwork filed 15 April 2003 and a copy of a postcard receipt.

On 09 July 2004, the Office mailed 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 for late filing of the oath or declaration were required.

On 05 August 2004, applicants submitted a declaration executed by the inventors and the fee for late filing of the oath or declaration.

On 30 September 2004, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating the application had a 35 USC 371 (c)(1), (c)(2) and (c)(4) date of 05 August 2004.

DISCUSSION

The 15 April 2003 paperwork is located in the file. As such, the request to accept the copies of the paperwork as having been received on 18 November 2003 is moot.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED AS MOOT**.

This application is being forwarded to Technology Center 1600 for examination.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

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

25 JAN 2005

#8

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Eleanor M. Musick
Procopio Cory Hargreaves & Savitch LLP
530 B Street Suite 2100
San Diego, California 92101-4469

In re Application of		
WESTON et al.	:	
U.S. Application No. 10/478,192	:	
PCT No.: PCT/US02/16012	:	
Int. Filing Date: 20 May 2002	:	DECISION ON PETITION
Priority Date: 18 May 2001	:	
Attorney Docket No.: 02331-0311	:	
For: METHODS FOR FEATURE SELECTION IN A LEARNING MACHINE	:	

This decision is in response to applicants' "Petition to Amend Inventorship" and "Petition under 37 CFR 1.47(a)" filed 06 December 2004. The requisite petition fees have been charged to Deposit Account no. 50-2075.

BACKGROUND

On 20 May 2002, applicants filed international application PCT/US02/16012 which claimed a priority date of 18 May 2001. The international application named: Jason Weston; Andress Ellisseeff; Bernard Schoelkopf; Olivier Chapelle; and Fernando Perez-Cruz as applicants/inventors. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 18 November 2003.

On 18 November 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 01 June 2004, 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 06 December 2004, applicants filed a "Petition to Amend Inventorship" and "Petition under 37 CFR 1.47(a). The declaration submitted with the petition(s) was executed by: Jason Weston; Andress Ellisseeff; and Bernard Schoelkopf.

DISCUSSION

A. Petition under 37 CFR 1.497(b)

In the instant case, the international application named Jason Weston; Andress Ellisseeff; Bernard Schoelkopf; Olivier Chapelle; and Fernando Perez-Cruz as applicants/inventors. Applicants request to delete Olivier Chapelle 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) and (3).

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).

For the reasons discussed above, it is inappropriate, at this time, to grant applicants request for correction of inventorship.

B. Petition under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning 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 Fernando Perez-Cruz. The steps taken are sufficient to show that Fernando Perez-Cruz has refused to execute the application.

CONCLUSION

For the reasons discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The petition under 37 CFR 1.47(a) is **GRANTED**.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. A proper response must include a written consent of assignee in compliance with 37 CFR 3.73(b). Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, 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

18 APR 2005

#10

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Eleanor M. Musick
Procopio Cory Hargreaves & Savitch LLP
530 B Street Suite 2100
San Diego, California 92101-4469

In re Application of		
WESTON et al.	:	
U.S. Application No. 10/478,192	:	
PCT No.: PCT/US02/16012	:	
Int. Filing Date: 20 May 2002	:	DECISION ON PETITION
Priority Date: 18 May 2001	:	
Attorney Docket No.: 02331-0311	:	
For: METHODS FOR FEATURE SELECTION IN A LEARNING MACHINE	:	

This decision is in response to applicants' "Response to Denial of Petition" filed 30 March 2005.

BACKGROUND

On 20 May 2002, applicants filed international application PCT/US02/16012 which claimed a priority date of 18 May 2001. The international application named: Jason Weston; Andress Ellisseeff; Bernard Schoelkopf; Olivier Chapelle; and Fernando Perez-Cruz as applicants/inventors. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 18 November 2003.

On 18 November 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 01 June 2004, 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 06 December 2004, applicants filed a "Petition to Amend Inventorship" and "Petition under 37 CFR 1.47(a). The declaration submitted with the petition(s) was executed by: Jason Weston; Andress Ellisseeff; and Bernard Schoelkopf. In a decision dated 25 January 2005, applicants' petition under 37 CFR 1.47(a) was granted and applicants' petition under 37 CFR 1.497(d) was dismissed without prejudice.

On 30 March 2005, applicants filed the present renewed petition under 37 CFR 1.497(d). The petition was accompanied by: a consent of assignee, a declaration executed by the previous nonsigning inventor, Fernando Perez-Cruz, and an assignment.

DISCUSSION

A. Petition under 37 CFR 1.497(b)

In the instant case, the international application named Jason Weston; Andress Ellisseeff; Bernard Schoelkopf; Olivier Chapelle; and Fernando Perez-Cruz as applicants/inventors. Applicants request to delete Olivier Chapelle 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).

B. Petition under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

The petition for status under 37 CAR 1.47(a) is moot since the declaration filed 30 March 2005 with the present petition was executed by the named inventor, the previous nonsigning inventor, Fernando Perez-Cruz. The declaration filed 30 March 2005 is acceptable under 37 CFR 1.497.

CONCLUSION

For the reasons discussed above, applicants' request under 37 CFR 1.497(d) is **GRANTED**.

For the reasons above, the renewed petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT. The application need not be returned to this Office for any further consideration of Rule 1.47 status and no such status should be indicated on this application file.

The application has an international filing date of 20 May 2002 under 35 U.S.C. 363 and a date of **30 March 2005** under 35 U.S.C. 371(c).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

10 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

MORRISON & FOERSTER
755 Page Mill Road
Palo Alto, CA 94304-1018

In re Application of:	:	
MARCHALONIS, John, Jacob, et al.	:	DECISION
U.S. Application No.: 10/478,194	:	
PCT No.: PCT/GB02/02323	:	
Int'l Filing Date: 17 May 2002	:	
Priority Date: 18 May 2001	:	
Attorney's Docket No.: 404172000200	:	
For: DIMERIZED T-CELL RECEPTOR	:	
FRAGMENT, ITS COMPOSITIONS	:	
AND USE	:	

This decision is issued in response to the "Petition Under 37 CFR 1.182" and "Request For Corrected Filing Receipt" filed 22 November 2004.

BACKGROUND

On 17 May 2002, applicants filed international application PCT/GB02/02323 which claimed a priority date of 18 May 2001 and which designated the United States. On 28 November 2002, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 18 November 2003.

The international application listed two applicant/inventors for the United States: John Jacob MARCHALONIS and Ronald Ross WATSON.

On 18 November 2003, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an Application Data Sheet (ADS).

On 28 April 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 28 July 2004, applicants filed a response to the Notification Of Missing Requirements that included an extension fee, payment of the required surcharge, and an executed declaration. The declaration indicated that the name of the first inventor was Jacob John MARCHALONIS (as opposed to John Jacob MARCHALONIS, as listed on the international application).

On 23 August the RO/US mailed a Notification Of Acceptance (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) were satisfied on 28 July 2004. On the same date, a filing receipt was issued identifying 28 July 2004 as the 371(c) date. The filing receipt identified the first inventor as Jacob John MARCHALONIS (as indicated on the filed declaration), and it identified the title of the application as "Composition."

On 22 November 2004, applicants filed the "Petition Under 37 CFR 1.182" and "Request For Corrected Filing Receipt" considered herein. The petition notes the discrepancy in the first inventor's name, and states that the reversal of the inventor's first and middle names in the declaration was the result of an error, and that the correct name of the inventor is John Jacob MARCHALONIS, as listed on the international application and in the filed ADS. The submission also requests correction of the title listed on the filing receipt.

DISCUSSION

Based on applicants' statements in the present petition, it is concluded that the reversal of the inventor's first and middle names in the filed declaration resulted from a typographical error, and that the correct name of the inventor is John Jacob MARCHALONIS, as listed in the ADS and the international application. MPEP section 201.03 states that where a typographical error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error, and that no new oath or declaration is not required. The MPEP goes on to state that a reference to the notification will be made on the previously filed oath or declaration. Accordingly, in the present case, applicants are not required to submit a corrected declaration. The proper order of the inventor's first and middle names will me noted on the filed declaration, and USPTO records will be corrected to indicate the inventor's proper name.

Regarding the application's title, it is noted that the title indicated on the filing receipt ("Composition") appears on the first page of the specification. However, the title of record for this application, as identified on the published international application and the filed ADS is DIMERIZED T-CELL RECEPTOR FRAGMENT, ITS COMPOSITIONS AND USE. See MPEP secion 1893.03(e). Accordingly, USPTO records will be corrected to indicate the proper title of record for this application.

CONCLUSION

Applicants' petition and request for corrected filing receipt filed 22 November 2004 are hereby **GRANTED**.

The filing receipt mailed on 23 August 2004, which identified an incorrect name for the first inventor and an incorrect title for the application, is hereby **VACATED**.

A corrected filing receipt is issued herewith which identifies the correct title and inventor's name, as discussed above.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

23 JUN 2004

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Kenneth H. Samples
FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street
Suite 1600
Chicago, IL 60603-3406

In re Application of	:	
John P. ZIEGLER	:	
Application No.: 10/478,221	:	
PCT Application No.: PCT/US02/14218	:	DECISION ON
International Filing Date: 01 May 2002	:	
Priority Date: 04 May 2001	:	PETITION
Attorney Docket No.: 71762	:	
For: O_2 AND H_2O BARRIER MATERIAL	:	UNDER 37 CFR 1.137(b)

Applicant's "Petition Under 37 CFR §1.137(b) To Revive An Unintentionally Abandoned International Application Electing The United States," filed in the United States Patent and Trademark Office (PTO) on 17 November 2003 is **GRANTED**.

BACKGROUND

On 01 May 2002, applicant filed international application PCT/US02/14218. The international application claims a priority date of 04 May 2001 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 04 November 2003. Applicant missed this deadline.

On 17 November 2003, applicant filed the instant petition for revival accompanied by, *inter alia*, an authorization to charge Applicant's Deposit Account 06-1135 for the requisite national stage fee (as required by 35 U.S.C. 371(c)(1)), for the late surcharge fee for filing the declaration later than thirty months from the filing date (as required by 37 CFR 1.492(e)) and for the petition fee (as required by 37 CFR 1.17(m)), and a declaration of the inventor (as required by 35 U.S.C. 371(c)(4)). A copy of the international application, as required by 35 U.S.C. 371(c)(2) has been communicated by the international bureau.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (3) the petition fee required by law, and (4) a terminal disclaimer and fee (if the international application

was filed prior to June 8, 1995). Payment of the basic national fee and a communication by the international application from the international bureau submission of a copy of the international application constitute a proper reply for entry into the national stage.

Applicant's statement in the petition that "[t]he entire delay in filing the required reply from the due date for the required reply, 4 November 2003, until the filing of the grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). The payment of the national stage fee and the copy of the international application satisfy 37 CFR 1.137(b)(1) regarding a proper reply. The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

Applicants have satisfied the filing requirements under 35 U.S.C. 371.

The application has an international filing date of 01 May 2002 under 35 U.S.C. 363 and a date of 17 November 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.

Richard Cole
PCT Legal Examiner
PCT Legal Administration

Jimmy G. Foster
Detailee
PCT Legal Administration

Telephone: (703) 308-1315
Facsimile: (703) 308-6459

24 AUG 2004

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OGILVY RENAULT
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL QC H3A2Y-3 CANADA

In re Application of ARSENAU Serial No.: 10/478,223 PCT App. No.: PCT/CA02/00757 Int'l Filing Date: 22 May 2002 Priority Date: 22 May 2001 Attorney Docket No.: 15878-1US CMB/AA/cib For: MULTI-VIDEO RECEIVING METHOD AND APPARATUS	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition under 37 CFR 1.137(b) filed 06 May 2004 to revive international application PCT/CA02/00757 as to the United States abandoned under 35 U.S.C. 371(d) is hereby **GRANTED** as follows:

International application PCT/CA02/00757 became abandoned as to the United States of America after midnight on 22 November 2003 for failure to pay the basic national fee. The filing of the present national stage application under 35 U.S.C. 371(c) is accepted as the appropriate response under 37 CFR 1.137(b). See MPEP § 711.03(c).

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3). The petition fee of $665 and the basic national fee of $460 have been paid. All of the requirements of 37 CFR 1.137(b) for revival have been submitted.

The declaration filed on 06 May 2004 is in compliance with 37 CFR 1.497(a); the $65 surcharge for filing the declaration after the thirty month period has been paid. This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date is **06 May 2004.**

Cynthia M. Kratz

Cynthia M. Kratz
PCT Attorney
Office of PCT Legal Administration

Telephone: 703-306-5467
Facsimile: 703-308-6459

UNITED STATES PATENT and TRADEMARK OFFICE

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

21 DEC 2005

NATH & ASSOCIATES PLLC
1030 15th Street N.W.,
6th Floor
Washington, D.C. 20005

In re Application of	:	DECISION ON
KISLEV et al	:	
PCT No.: PCT/IL01/00475	:	
Application No: 10/478,251	:	
Int. Filing Date: 24 May 2001	:	PETITION UNDER
Priority Date: NA	:	
Attorney's Docket No.: 25839	:	
For: SEMEN ANALYSIS	:	37 CFR 1.47(a)

This decision is in response to applicants' " PETITION UNDER 37 C.F.R. 1.47(a)" filed on 31 August 2005.

BACKGROUND

On 24 May 2001, applicants filed international application PCT/IL01/00475. A copy of the international application was communicated by the International Bureau to the United States Patent and Trademark Office on 28 November 2002.

On 20 November 2003, applicants 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. An executed declaration was submitted at such time.

On 02 April 2004, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495," which informed applicants, inter alia, that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements was 20 November 2003.

On 31 August 2005, petitioner filed the present petition in support of filing on behalf of nonsigning inventor Mr. Kislev accompanied, inter alia, an executed Declaration without the signature of Mr. Kislev.

DISCUSSION

The petition states that both inventors executed and submitted a "Combined Declaration and Power of Attorney" to the U.S. Patent & Trademark Office, on November 20, 2003. Then the petition states that applicants' representative noted that the declaration was missing from this submission and thus on February 23, 2005 applicants' representative sent both inventors a corrected Combined Declaration and Power of Attorney, and that Mr. Kislev has yet to sign and return an executed copy of it.

However, a review of the file history shows that the executed "Combined Declaration and Power of Attorney" filed on November 20, 2003 was proper and there is no need to replace that Declaration with the one filed on 31 August 2005 with the present petition. The declaration submitted on 20 November 2003 complies with 37 CFR 1.497(a) and (b).

Accordingly, the petition filed on 31 August 2005 is moot.

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT.**

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEP 14 2005

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

In re Application of	:	
Arkady Glukhovsky	:	
Serial No.: 10/478,252	:	DECISION ON PETITION
Filed: November 20, 2003	:	
For: A Method for in Vivo Imaging of an	:	
Unmodified Gastrointestinal Tract	:	

This is in response to the petition applicant filed on January 12, 2005 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 Frederick Schmidt by letter addressed to the Director, Technology Center 3700, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (571) 272-2975 or by facsimile transmission at (571) 273-8300.

Frederick R. Schmidt

Frederick R. Schmidt, Director
Technology Center 3700

17 AUG 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

WENDEROTH, LIND & PONACK, LLP
2033 K STREET, NW SUITE 800
WASHINGTON, DC 20006-1021

In re Application of ARCENEAUX et al. Application no.: 10/478,253 PCT No.: PCT/EP02/05284 Int. Filing Date: 14 May 2002 Priority Date: 25 May 2001 Attorney Docket No.: 2003_1674A For: POLYMER COMPOSITIONS AND USES THEREOF	DECISION ON REQUEST FOR OF REFUND

This is a decision on applicant's "REQUEST FOR REFUND", filed in the United States Patent and Trademark Office (USPTO) on 01 March 2005, requesting refund of payment of basic national fee.

On 19 November 2004, applicant filed a transmittal letter to enter national stage along with the basic national fee of $920. On 01 March 2005, applicant filed a request for refund of $956 in basic national fees and $130 surcharge for filing the declaration after the thirty month period.

A review of the application file reveals that on 19 November 2004, the USPTO did process the request for national stage entry of PCT/EP02/05284. However, a review of PCT/EP02/05284 reveals that the United States was not designated. Since the U.S. was not designated, entry into the U.S. national stage under 35 U.S.C. 371 is not available to applicant.

A review of the finance records for this application reveals that applicant paid $920 for the basic national fee, $36 in claims fees, and $130 for filing the declaration after the thirty month period. In light of the error in filing an application under 35 U.S.C. 371(c), these fees will be refunded.

For the reasons above, applicants' request for refund of $956, paid on 19 November 2004, is **GRANTED**. Applicant's deposit account No. 23-0975 will be refunded in the amount of $920 (feed code 1613), $36 (fee code 1615) and $130 surcharge (fee code 1617).

Application 10/478,253 is not treated as an application under 35 U.S.C. 371(c) and the application number will be made inactive.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Philips Electronics North America Corporation
Intellectual Property & Standards
M/S41-SJ
1109 McKay Drive
San Jose, CA 95131

COPY MAILED
JUL 17 2006
OFFICE OF PETITIONS

In re Application of :
Moll et al. :
Application No. 10/478,269 :
Filed: November 17, 2003 :
Attorney Docket Number: :
AT01 0032US :

This is a decision in response to the petition under 37 CFR 1.137(b), filed February 2, 2006, to revive the above-identified application. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed April 18, 2005. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned on July 19, 2005. A Notice of Abandonment was mailed December 13, 2005.

With the instant petition, Petitioner has satisfied the requirements of a grantable petition under 37 CFR 1.137(b). A Reply in response to the Office action is filed with the instant petition. Accordingly, the petition is granted.

This application is being forwarded to Technology Center Art Unit 2814 for processing of the Reply 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

31 AUG 2004

#3

UNITED STATES PATENT and TRADEMARK OFFICE

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

Christopher J. McDonald, Esq.
Hoffman, Wasson & Gitler, P.C.
2361 Jefferson Davis Highway
Suite 522
Arlington VA 22202

In re Application of	:	DECISION ON
Peter ZILLMER	:	
Application No.: 10/478,291	:	
PCT No.: PCT/AU02/00445	:	
Int. Filing Date: 09 April 2002	:	PETITION UNDER
Priority Date: 09 April 2001	:	
Attorney's Docket No.: A-8825	:	
For: SAFETY STIRUP	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition To Revive," filed on 26 November 2003.

BACKGROUND

On 09 April 2002, this international application was filed, claiming an earliest priority date of 09 April 2001.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 09 October 2003.

On 26 November 2003, applicants filed the instant petition under 37 CFR 1.137(b) and Transmittal letter for entry into the national stage in the United States, which was accompanied by, basic national fee and an executed declaration.

DISCUSSION

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

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (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).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1),(c)(2) and (c)(4) date of this application is **26 November 2003.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office

Telephone: (703) 308-6312
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOWSON & HOWSON LLP
501 OFFICE CENTER DRIVE
SUITE 210
FORT WASHINGTON, PA 19034

MAILED
JUN 2 1 2010
OFFICE OF PETITIONS

In re Patent of Green et al.	:	DECISION ON REQUEST
Patent No. 7,332,174	:	FOR RECONSIDERATION OF
Issue Date: February 19, 2008	:	PATENT TERM ADJUSTMENT
Application No. 10/478,308	:	AND NOTICE OF INTENT TO
Filing Date: December 4, 2003	:	ISSUE CERTIFICATE OF
Attorney Docket No. AM100574	:	CORRECTION

This is a decision on the petition filed March 24, 2008, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by six hundred twenty-seven (627) days.

The petition to correct the patent term adjustment indicated on the patent to indicate the term of the patent is extended or adjusted by six hundred twenty-seven (627) days is **GRANTED to the extent indicated herein**.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 C.F.R. § 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 37 C.F.R. § 1.136.

The 507-day patent term adjustment listed on the patent is the result of the Office reducing 627 days of Office delay under 35 U.S.C. § 154(b)(1)(A) ("A Delay") is 627 days by 120 days of delay under 35 U.S.C. § 154(b)(2)(C) ("Applicant Delay").

Patentees contend the proper amount of Applicant Delay is 0 days.

Determination of Period of Applicant Delay

Background

The Office mailed a final Office action on July 13, 2007. The Office action indicated several claims were allowed and indicated Claims 1, 71, and 77-91 were rejected.

An amendment filed September 13, 2007, made changes to many of the claims. Claim 89 is dependent on Claim 77. The amendment indirectly amended Claim 89 by amending Claim 77. The Office mailed a Notice of Allowance and Notice of Allowability on September 24, 2007. The allowed claims listed in the Notice of Allowability failed to include Claim 89. In fact, Claim 89 was not mentioned anywhere in the Notice of Allowability or the attached Examiner's Statement of Reasons for Allowance.

A Letter Requesting Correction of Notice of Allowability was filed October 22, 2008. The letter indicated the Notice of Allowability failed to list Claim 89 as an allowed claim.

The examiner changed internal Office records on October 27, 2007, to indicate Claim 89 was an allowed claim.

The application issued as a patent on February 19, 2008.

The patent term adjustment on the patent includes a 120-day reduction as a result of the letter filed October 22, 2008.

Discussion

37 C.F.R. § 1.704(c)(10) states,

> [Upon] [s]ubmission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed ... the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:
> (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or
> (ii) Four months.

Clarification of the Office's interpretation of the scope of 37 C.F.R. § 1.704(c)(10) is set forth in Manual of Patent Examining ("MPEP") § 2732 (8th ed., Rev. 7, July 2008), which states,

> 37 CFR 1.704(c)(10) establishes submission of an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. The submission of amendments (or other papers) after an application is allowed may cause substantial interference with the patent issue process. Certain papers filed after allowance are not considered to be a failure to engage in reasonable efforts to conclude processing or examination of an application. *See Clarification of 37 CFR 1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed*, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001).

After a review of the record, the Office has determined the letter filed October 22, 2008, should not have resulted in a reduction in patent term adjustment.

The proper amount of Applicant Delay in this case is 0 days.

Determination of Period of Delay Under 35 U.S.C. § 154(b)(1)(B) ("B Delay")

As a courtesy, the Office has reviewed the issue of whether or not the patent term adjustment should have been increased as a result of B Delay.

The instant application is a national stage of an international application. The national stage commenced 35 U.S.C. 371(b) or (f) on December 4, 2003.

The application issued as a patent three years and 442 days after the date of commencement. Therefore, B Delay in this case is 442 days.[1]

Determination of Overlap Between A Delay and B Delay

35 U.S.C. § 154(b)(2)(A) limits Office delay to the sum of A Delay and B Delay to the extent such periods of delay do not overlap.

In this case, the period of overlap is 0 days.

Conclusion

The patent should have listed a patent term adjustment of 1,069 days which is the sum of 627 days of A Delay and 442 days of B Delay reduced by 0 days of overlap and 0 days of Applicant Delay.

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

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by one thousand sixty-nine (1069) days.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

[1] The instant case does not contain any time periods falling under 35 U.S.C. §§ 154(b)(1)(B)(i)-(iii).

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.	:	7,332,174 B2
APPLICATION NO.	:	10/478,308
DATED	:	February 19, 2008
INVENTOR(S)	:	Bruce A. Green et al.

DRAFT

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

On the Title page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 507 days.

Delete the phrase "by 507 days" and insert -- by 1069 days--

04 MAY 2004

#9

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Thomas E Spath
Abelman Frayne & Schwab
150 East 42nd Street
New York NY 10017-5612

In re Application of	:	
COLEMAN et al.	:	
Application No.: 10/478,319	:	DECISION ON
PCT No.: PCT/US02/08817	:	
Int. Filing Date: 19 March 2002	:	PETITION UNDER
Priority Date: 20 March 2001	:	
Attorney Docket No.: 206.347	:	37 CFR 1.137(b)
For: PRECISION ULTRASOUND MEASUREMENT	:	
FOR INTRAOCULAR LENS PLACEMENT	:	

This decision is in response to applicants' submission filed 17 November 2003.

BACKGROUND

On 19 March 2002, applicant filed international application PCT/US02/08817, which designated the U.S. and claimed a priority date of 20 March 2001. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 26 September 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 September 2003 (20 September 2003 being a Saturday).

On 17 November 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; an assertion of small entity status; an unexecuted declaration of inventors; and a "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)".

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 17 November 2003

As to item (2), applicant submitted the petition fee on 17 November 2003.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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 including preparing and mailing 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) and the surcharge under 37 CFR 1.492(e) for providing the oath later than thirty months from the priority date are required.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (703) 308-2066
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

JUL 11 2007

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

In re Application of	:	
POISNER, David	:	
Application No. 11/478,336	:	DECISION ON PETITION
Filed: June 30, 2006	:	TO WITHDRAW
Attorney Docket No. **070702003500**	:	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 23, 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 June 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 Michelle R. Eason at 571-272-4231.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **DARBY & DARBY P.C.**
P.O. BOX 770
CHURCH STREET STATION
NEW YORK NY 10008-0770

06 APR 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

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

In re Application of DAVIDSON et al	:	
U.S. Application No.: 10/478,338	:	
PCT Application No.: PCT/GB01/02406	:	DECISION
Int. Filing Date: 31 May 2001	:	
Priority Date Claimed: 01 June 2000	:	
Attorney Docket No.: 031599/264795	:	
For: SUPER ABSORBENT DRIVEN DISPENSER	:	

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 18 November 2003.

BACKGROUND

On 31 May 2001, applicant filed international application PCT/GB01/02406, which claimed priority of an earlier United Kingdom application filed 01 June 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 06 December 2001. A Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired on 01 December 2002.

International application PCT/GB01/02406 became abandoned as to the United States for failure to timely pay the basic national fee.

On 18 November 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 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 United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BASELL USA INC.
DELAWARE CORPORATE CENTER II
2 RIGHTER PARKWAY, SUITE #300
WILMINGTON DE 19803

COPY MAILED

JUL 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Luigi Resconi et al	:	
Application No. 10/478,346	:	DECISION GRANTING PETITION
Filed: November 21, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. TC 5460 (US)	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 1, 2007, to revive the above-identified application.

The petition is **GRANTED**.

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

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

This matter is being referred to the Office of Data Management to be processed into a patent.

Karen Creasy
Petitions Examiner
Office of Petitions

29 MAR 2004

#3

UNITED STATES PATENT [redacted] RADEMARK OFFICE

[redacted]

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

Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re Application of CONWAY, Edward M. Application No.: 10/478,360 PCT No.: PCT/EP02/05727 Int. Filing Date: 24 May 2002 Priority Date: 25 May 2001 Attorney's Docket No.: DECLE70.002APC For: THE LECTIN-LIKE DOMAIN OF THROMBOMODULIN AND ITS THERAPEUTIC USE	DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is in response to "Petition To Add Name(s) of Omitted Inventor(s) Under 37 C.F.R. §1.48(a)" filed on 10 February 2004, which is being treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 24 May 2002, applicant filed international application PCT/EP02/05727, which claimed a priority date of 25 May 2001. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 05 December 2002. On 17 December 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 25 November 2003.

On 21 November 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 13 January 2004, applicant filed the instant request accompanied by the fee for a four month extension of time.

DISCUSSION

The inventor in the international application is Edward M Conway. Applicants file this request to add Désiré Collen as inventor.

A request under 37 CFR 1.497(d) requires: (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 §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been met. Applicants have provided a statement from the person being added as an inventor, that any error in inventorship occurred without deceptive intention on his part. The processing fee set forth in §1.17(i) has been paid.

As to (3), applicants have not indicated whether an assignment has occurred and have not provided consent of the assignee, if applicable.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.497(d) 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 Request Under 37 CFR 1.497(d)".

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

Richard Cole
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

17 AUG 2004

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re Application of CONWAY, Edward M. Application No.: 10/478,360 PCT No.: PCT/EP02/05727 Int. Filing Date: 24 May 2002 Priority Date: 25 May 2001 Attorney's Docket No.: DECLE70.002APC For: THE LECTIN-LIKE DOMAIN OF THROMBOMODULIN AND ITS THERAPEUTIC USE	DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is in response to "Renewed Request Under 37 C.F.R. §1.497(d)," filed on 04 June 2004.

BACKGROUND

On 24 May 2002, applicant filed international application PCT/EP02/05727, which claimed a priority date of 25 May 2001. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 05 December 2002. On 17 December 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 25 November 2003.

On 21 November 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 13 January 2004, applicant filed a request accompanied by the fee for a four month extension of time.

On 29 March 2004 the Office mailed Decision on Request Under 37 CFR 1.497(d) dismissing applicant's request without prejudice.

On 04 June 2004, applicant submitted a renewed request under 37 CR 1.497(d), accompanied by a certificate of mailing indicating it was deposited in first class mail on 01 June 2004.

On 28 July 2004, applicant submitted a copy of the assignment by facsimile.

DISCUSSION

The inventor in the international application is Edward M Conway. Applicants file this request to add Désiré Collen as inventor.

A request under 37 CFR 1.497(d) requires: (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 §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) were previously satisfied.

Item (3) has been satisfied.

CONCLUSION

For the above reasons, applicants' request under 37 CFR 1.497(d) is **GRANTED**.

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 **10 February 2004**.

Leonard E. Smith
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

JUL 16 2007

OFFICE OF PETITIONS

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

In re Application of	:	
PLOTKIN, Serge et al.	:	
Application No. 10/478,386	:	DECISION ON PETITION
Filed: November 17, 2003	:	TO WITHDRAW
Attorney Docket No. **DECR0001**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 11, 2007.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, files transferred to another law firm, 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 Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **CHARLES BARBAS**
CESARI AND MCKENNA
88 BLACK FALXON AVENUE
BOSTON, MA 02210

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

MAILED

MAY 27 2010

OFFICE OF PETITIONS

In re Application of :
Serge Plotkin, et al. :
Application No. 10/478,386 : DECISION ON PETITION
Filed: November 17, 2003 :
Attorney Docket No.: 112056-0472U :

This is a decision in response to the petition, filed March 26, 2010, styled "Petition to Revive Under 37 CFR 1.137(b) and Petition for Withdrawal of Abandonment under 37 CFR 1.181 and MPEP 711.03(e)", requesting withdrawal of the holding of abandonment in the above-identified application. The petition is being treated under the provisions of 37 CFR 1.181 (no fee).

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the final Office action mailed March 12, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was subsequently mailed on April 7, 2010.

Petitioner states that the Office action dated March 12, 2009 was not received. Petitioner notes that the address of record is correct; however, the Office action was returned to the USPTO as "Attempted-Not Known." Accordingly, petitioner requests that the abandonment be withdrawan. Alternatively, petitioner requests that the application be revived under the provisions of 37 CFR 1.137(b).

A review of the written record does indicate an irregularity in the mailing of the Notice of March 12, 2009. In this regard, the final Office action in question was returned to the U.S. Patent and Trademark Office on March 30, 2009 by the U.S. Postal Service for some unknown reason. Therefore the record supports a conclusion that the final Office action was not received by petitioner.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition under 37 CFR 1.137(b) is unnecessary, the $1,620 petition fee submitted with the petition is being refunded to counsel's deposit account.

This application is being referred to the Technology Center technical support staff of Art Unit 2435 for (1) withdrawing the holding of abandonment and (2) processing the RCE 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

28 JUN 2004

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

Dianne M. Rees
EDWARDS & ANGELL
101 Federal Street
Boston, MA 02110

In re Application of: HOH, Jan, H.	:	
U.S. Application No.: 10/478,394	:	DECISION ON PETITION TO
PCT No.: PCT/US02/10137	:	REVIVE ABANDONED
International Filing Date: 19 March 2002	:	APPLICATION UNDER 37
Priority Date: 30 March 2001	:	CFR 1.137(b)
Attorney's Docket No.: 57143 US (71699)	:	
For: AFM CANTILEVERS ...	:	

The petition to revive under 37 CFR 1.137(b) filed 20 November 2003 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in entering the national phase from the due date until the filing of this petition was unintentional" meets the requirements of 37 CFR 1.137(b)(3). Applicant has now submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied[1]. 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, including the issuance of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date.[2]

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

---

[1] It is noted that applicant included a check for the $1,330 petition fee with the petition. However, this fee was inadvertently refunded to applicant's Deposit Account by the USPTO. Deposit Account No. 04-1105 will therefore be charged the required petition fee.

[2] On 12 March 2004, applicant filed an IDS under a transmittal letter that also referred to an enclosed Declaration and Power of Attorney. However, no such declaration is present in the application file.

UNITED STATES 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: 6-6-07

In re application of	:	
James McGoldrick et al.	:	DECISION ON
Serial No. 10/478,401	:	PETITION
Filed: February 25, 2004	:	
For: INDUSTRIAL POLYOLEFIN PIPING SYSTEM		

This is a decision on the PETITION UNDER 37 CFR 1.144 REQUESTING REVIEW OF THE RESTRICTION REQUIREMENT in the office action mailed on April 19, 2006.

On April 19, 2006, a non-final office action, including a restated restriction requirement and a rejection of claims 1-8 and 11-13, was mailed to applicants. In this requirement, the examiner maintained that the claims lacked unity under PCT Rules 13.1 – 13.4 and required election between three groups. Applicants traversed the restriction requirement in a response filed on July 21, 2006 and requested reconsideration of the requirement. In the final action mailed October 17, 2006, the examiner acknowledged the traversal and made the restriction requirement final.

On January 22, 2007 the instant petition under 37 CFR 1.144 was filed to formally request a review of the restriction requirement.

DECISION

The instant application has been filed under 35 U.S.C. 371 as a national phase application of PCT/EP02/05550 and as such is subject to the unity requirements set out in PCT Rules 13.1 – 13.4 and 37 CFR 1.475, as well as the PCT Administrative Instructions, Annex B. In the instant petition it is asserted that the fact that a claim in one group may have a special technical feature that is absent from a different group is not dispositive and further argued that the claims as presented do not lack unity.

The PCT Administrative Instructions, Annex B, Part 1 at (b) state that "the special technical features" common to all groupings of inventions shall be defined, as in PCT Rule 13.2, to mean,

> "those technical features which each of the claimed inventions, **considered as a whole, makes over the prior art.**" (Emphasis added)

In the instant case, each of the groups of inventions set forth by the examiner do possess a common technical feature, i.e. propylene polymer having particular properties, and it is this feature which links together all of the claims in the three groups at issue. However, this special technical feature has been shown, at pages 5-7 of the non-final office action mailed April 19, 2006, to not make (be) a

contribution over the prior art of Huovenin et al. Therefore, the examiner's finding that there is a lack of unity of invention between the groups as set forth in the restriction requirement was correct. The reason for such being that the groups constitute additional inventions not sharing a "special technical relationship" within the meaning of PCT Rule 13.2 since the identified "special technical feature" does not make a contribution over the prior art.

Accordingly, the petition is **DENIED.** The application is forwarded to the examiner for consideration of the Request for Continued Examination (RCE) filed April 19, 2007.

Jacqueline M. Stone

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

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

AUG 27 2007

OFFICE OF PETITIONS

Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
Mclean, VA 22102

In re Application of	:	
Alexander Benedix et al.	:	
Application No. 10/478,403	:	DECISION ON PETITION
Filed: November 21, 2003	:	TO WITHDRAW
Attorney Docket No. 543822001500	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 13, 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 request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Alexander Benedix**
Helmut-Kautner-Str. 15
Munchen, 81739
Germany

cc: **Eschweiler & Associates, LLC**
National City Bank Building
629 Euclid Avenue, Suite 1000
Cleveland, OH 44114

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
10/478,403	11/21/2003	Alexander Benedix	543822001500

CONFIRMATION NO. 2131

OC000000025551092

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 08/24/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/13/2007.

- 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.

Terri Williams

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

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

AUG 27 2007

OFFICE OF PETITIONS

Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
Mclean, VA 22102

In re Application of

Alexander Benedix et al.
Application No. 10/478,403
Filed: November 21, 2003
Attorney Docket No. 543822001500

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 April 13, 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 request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

RECEIVED

SEP 07 2007

OFFICE OF PETITIONS

cc: **Alexander Benedix**
Helmut-Kautner-Str. 15
Munchen, 81739
Germany

cc: **Eschweiler & Associates, LLC**
National City Bank Building
629 Euclid Avenue, Suite 1000
Cleveland, OH 44114

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
10/478,403	11/21/2003	Alexander Benedix	543822001500

CONFIRMATION NO. 2131

OC000000025551092

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 08/24/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/13/2007.

- 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.

Terri Williams

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

FORMER ATTORNEY/AGENT COPY

28 JUN 2004

#5

UNITED STATES PATENT and TRADEMARK OFFICE

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

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

In re Application of	:	DECISION ON
TAKAHASHI et al	:	
PCT No.: PCT/JP02/04969	:	
Application No.: 10/478,411	:	PAPERS FILED
Int. Filing Date: 22 May 2002	:	
Priority Date: 24 May 2001	:	
Attorney's Docket No.: 4619-0105P	:	UNDER 37 CFR 1.42
For: INVERTER CONTROL METHOD AND	:	
ITS DEVICE	:	

This is a decision on the declaration filed 23 February 2004, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 21 November 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). No executed declaration was submitted at such time.

On 23 February 2004, applicants submitted an executed declaration signed by the second inventor Hiroyuki YAMAI, and by Yuko TAKAHASHI, Miwa JIBIKI, Minako TAKAHASHI, and Mamoru TAKAHASHI as all the heirs or legal representatives for the deceased inventor Isao TAKAHASHI.

DISCUSSION

The executed declaration submitted is signed by Yuko TAKAHASHI, Miwa JIBIKI, Minako TAKAHASHI, and Mamoru TAKAHASHI and states that they are legal representatives or all the heirs of the estate of the deceased inventor Isao TAKAHASHI.

The submitted executed declaration is unclear as whether Yuko TAKAHASHI, Miwa JIBIKI, Minako TAKAHASHI, and Mamoru TAKAHASHI are signing as Legal Representatives or as all heirs for the deceased inventor. If they are executing the declaration as all of the heirs of the deceased inventor then it is hereby construed as an indication that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed. If this interpretation is incorrect applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative(s) of the deceased inventor in response to this decision.

Accordingly, applicants have satisfied the requirements under 37 CFR 1.42.

CONCLUSION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C.§ 371(c)(1), (c)(2), and (c)(4) date of this application as **23 February 2004**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6312
Fax: (703) 308-6459

Leonard Smith
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

Ralph A. Dowell of DOWELL & DOWELL P.C.
2111 Eisenhower Ave
Suite 406
Alexandria VA 22314

COPY MAILED

DEC 1 4 2005

OFFICE OF PETITIONS

Applicant: Kotlyar et al.
Appl. No.: 10/478,418
International Filing Date: May 17, 2002
Title: METHOD FOR DETERMINATION OF CO-OCCURENCES OF ATTRIBUTES
Attorney Docket No.: 1452NP
Pub. No.: US 2004/0158581 A1
Pub. Date: August 12, 2004

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on October 12, 2004, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains numerous material errors in the specification and claims.

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 request for corrected publication cannot be granted because the request does give an indication where the correct text for the material errors appears in the application.

Applicant is given 2 months to supply the required the information and submit a renewed request for republication.

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

[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).

the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

01 DEC 2006

Patton Boggs LLP
8484 Westpark Drive
Suite 900
McLean, VA 22102

In re Application of	:	
CASTAN, Catherine et al.	:	
U.S. Application No.: 10/478,420	:	
PCT No.: PCT/FR02/01745	:	
Int. Filing Date: 23 May 2002	:	DECISION
Priority Date: 23 May 2001	:	
Attorney Docket No.: 022290.0117PTUS	:	
For: SINGLE-DAILY-DOSE ... ACTIVE PRINCIPLE	:	

This is a decision on Request for Refund, filed in the United States Patent and Trademark Office on 20 October 2006.

BACKGROUND

On 21 November 2003, applicants filed papers for entry into the national stage of PCT/FR02/01745, which included the small entity fees of $460.00 for a national stage application.

On 21 March 2006, applicants filed an itemization letter, a fee transmittal and a credit card form, paying an additional $440.

On 20 October 2006, applicants filed this request for refund.

DISCUSSION

In the papers filed 20 October 2006, applicants requested a refund of the $440 paid in March. 37 CFR 1.28 (a) states:

> (a) *Refunds based on later establishment of small entity status.* A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee.

Though applicants claim to have originally submitted the request for refund on 17 April 2006, such request is not present in the application, the postcard receipt of applicants is not date stamped by the Office to indicate receipt and the papers dated 17 April 2006 do not bear a certificate under 37 CFR 1.8. As such, the refund request has a receipt date of 20 October 2006, meaning it was received long past the three-month time period for requesting a refund.

CONCLUSION

For the above reasons, applicants' request for a refund pursuant to 37 CFR 1.28(a) is **DISMISSED** without prejudice.

Any request for reconsideration of this matter should be filed within **TWO (2) MONTHS** of the mail date of this decision.

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.

Erin P. Thomson

Erin Thomson
Attorney Advisor
PCT Legal Administration

Tel.: (571) 272-3292

13 FEB 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patton Boggs LLP
8484 Westpark Drive
Suite 900
McLean, VA 22102

In re Application of CASTAN et al. U.S. Application No.: 10/478,420 PCT No.: PCT/FR02/01745 Int. Filing Date: 23 May 2002 Priority Date: 23 May 2001 Attorney Docket No.: 022290.0117PTUS For: SINGLE-DAILY DOSE . . . ACTIVE PRINCIPLE	DECISION ON PETITION

This decision is issued in response to applicants' "Request for Refund" filed in the United States Patent and Trademark Office on 12 January 2007.

BACKGROUND

On 01 May 2003, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by the basic national fee for a small entity; a copy of the international application; and a preliminary amendment.

On 21 March 2006, applicants filed an itemization letter, a fee transmittal letter, and a credit card form, paying an additional $573.

On 20 October 2006, applicants filed a request for refund. In a decision dated 01 December 2006, applicants' request for refunds was dismissed without prejudice.

On 12 January 2007, applicants filed the present renewed request for refund.

DISCUSSION

Applicants state in the present petition that a request for refund was filed on 17 April 2006. A review of the application file reveals that a request for refund was received in the USPTO on 17 April 2006. Accordingly, applicants' request that the copy of the request for refund filed with the petition is accepted as a copy of the request for refund filed 17 April 2006 is dismissed as moot, since the original request for refund has now been located and placed in the application file.

In papers field 17 April 2006, applicants requested a refund of the large entity fees paid on 21 March 2006. 37 CFR 1.28(a) provides:

> A refund pursuant to §1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee.

In the present case, the 17 April 2006 request for a refund of a portion of the fees paid upon filing the present application based upon the subsequent establishment of small entity status was made within three months of the payment of the large entity fees on 21 March 2006. Accordingly, petitioner is entitled to a refund of a portion of the large entity fees paid upon filing the present application.

CONCLUSION

The request for refund under 1.28(a) is **GRANTED**.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

Refund Ref:
03/13/2007 0030037875

Credit Card Refund Total: $10.00

Credit Card XXXXXXXXXXXX4436

Refund Ref:
03/13/2007 0030037876

Credit Card Refund Total: $440.00

Credit Card XXXXXXXXXXX1003

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

COPY MAILED

OCT 19 2007

OFFICE OF PETITIONS

In re Application of
Andreas Lang, et al.
Application No. 10/478,440
Filed: June 4, 2004
Attorney Docket No. 449122066600

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 May 25, 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 who are associated with customer No. 25227.

All attorneys/agents associated with the Customer Number 25227 have been withdrawn.

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

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: ANDREAS LANG
STEINMETZSTR. 30
ERDING 85435 GERMANY

cc: KEVIN SPIVAK
BELL, BOYD & LLOYD, LLC
70 WEST MADISON STREET
SUITE 3100
CHICAGO, IL 60602

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

JUL 15 2009

OFFICE OF PETITIONS

In re Application of :
Stephen Hughes et al :
Application No. 10/478,442 :
Filed: November 21, 2003 :
Attorney Docket No. 14538A-006710US :

ON PETITION

This is a decision on the petition, filed June 11, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to add assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignees.

The request is **DISMISSED**.

Petitioner states that the correct assignees' names are Fred Hutchinson Cancer Research Center, Seattle, WA and the Government of the United States of America, as represented by the Secretary of the Department of Health and Human Services. Accordingly, petitioner requests that the patent issue to Fred Hutchinson Cancer Research Center, Seattle, WA and the Government of the United States of America, as represented by the Secretary of the Department of Health and Human Services.

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.

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

---

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

A review of Office database assignment records reflects that an assignment to Fred Hutchinson Cancer Research Center, Seattle, WA and the Government of the United States of America, as represented by the Secretary of the Department of Health and Human Services has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that Fred Hutchinson Cancer Research Center, Seattle, WA and the Government of the United States of America, as represented by the Secretary of the Department of Health and Human Services was the assignee of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above and **after issuance of this application into a patent, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth Fred Hutchinson Cancer Research Center, Seattle, WA and the Government of the United States of America, as represented by the Secretary of the Department of Health and Human Services, as the assignees**. *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision* ***must*** *accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignees set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Alternatively, if petitioner desires to have the correct assignee data appear on the front page of the Letters Patent, petitioner may wish to consider filing a petition to withdraw the subject application from issue under 37 CFR 1.313(c)(2). The petition to withdraw from issue under 37 CFR 1.313(c)(2) must be accompanied by a request for continued examination (RCE) and submission (which may be a request under 37 CFR 3.81(b)).

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

Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

Irvin Dingle
Petition Examiner
Office of Petitions

14 MAY 2004

#7

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of SUGIURA et al. Application No.: 10/478,473 PCT No.: PCT/JP02/05053 Int. Filing Date: 24 May 2002 Priority Date: 25 May 2001 Attorney Docket No.: 245656US0PCT For: SIZING AGENT FOR CARBON FIBER, AQUEOUS DISPERSION THEREOF, CARBON FIBER TREATED BY SIZING....	DECISION ON SUBMISSION

This is a decision on applicant's "Response to Notice of Missing Requirements Under 35 U.S.C. 371", treated as a petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office (USPTO) 13 April 2004.

On 21 November 2003, applicants filed a declaration, executed by the joint inventors identified in the published international application. A review of the application file reveals that the given names of two of the applicant/inventors are listed in the international application as "Masahi Taguchi" while the given name is listed in the declaration as "Masato Taguchi". Likewise, inventor Tadayoshi Saito's last name was misspelled as "Saitou". The response is accompanied by declarations of Masato Taguchi and Tadayoshi Saito explaining that the error in their respective names occurred due to a transliteration error.

Applicants' petition under 37 CFR 1.182 to correct the first name of inventor **Masato Taguchi** and the last name of inventor **Tadayoshi Saito** is **GRANTED**.

The declaration submitted on 21 November 2003 is acceptable and meets the requirements of 37 CFR 1.497(a) and (b). The application will be forwarded to the United States Designated/Elected Office for further processing in accordance with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **21 November 2003.**

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (703) 306-5467
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

caj

Mailed: 6-6-07

In re application of Cecilia Rydin et al. Serial No. 10/478,480 Filed: February 25, 2004 For: POLYOLEFIN COATED STEEL PIPES	: : : :	DECISION ON PETITION

This is a decision on the PETITION UNDER 37 CFR 1.144 REQUESTING REVIEW OF THE RESTRICTION REQUIREMENT in the office action mailed on December 16, 2005.

On December 16, 2005, a restriction requirement was mailed to applicants. In this requirement, the examiner maintained that the claims lacked unity under PCT Rules 13.1 – 13.4 and required election between three groups. Applicants traversed the restriction requirement in a response filed on January 17, 2006 and requested reconsideration of the requirement. In the non-final action mailed November 20, 2006, the examiner acknowledged the traversal and made the restriction requirement final.

On February 21, 2007 the instant petition under 37 CFR 1.144 was filed to formally request a review of the restriction requirement.

DECISION

The instant application has been filed under 35 U.S.C. 371 as a national phase application of PCT/EP02/05547 and as such is subject to the unity requirements set out in PCT Rules 13.1 – 13.4 and 37 CFR 1.475, as well as the PCT Administrative Instructions, Annex B. In the instant petition, it is argued that the statement that all groups lack the same or corresponding technical features is incorrect and further argued that the claims as presented do not lack unity.

The PCT Administrative Instructions, Annex B, Part 1 at (b) state that "the special technical features" common to all groupings of inventions shall be defined, as in PCT Rule 13.2, to mean,

> "those technical features which each of the claimed inventions, **considered as a whole, makes over the prior art.**" (Emphasis added)

In the instant case, each of the groups of inventions set forth by the examiner do possess a common technical feature, i.e. a polyolefin coating having particular properties, and it is this feature which links together all of the claims in the three groups at issue. However, this special technical feature has been shown, at pages 3-5 of the non-final office action mailed November 20, 2006, to not make (be) a contribution over the prior art of Huovenin et al. in view of Suzuki et al. Therefore, the examiner's finding that there is a lack of unity of invention between the groups as set forth in the

restriction requirement was correct. The reason for such being that the groups constitute additional inventions not sharing a "special technical relationship" within the meaning of PCT Rule 13.2 since the identified "special technical feature" does not make a contribution over the prior art.

Accordingly, the petition is **DENIED.** The application is forwarded to the examiner for consideration of the response filed February 21, 2007.

Jacqueline M. Stone

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

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

COPY MAILED

FEB 11 2008

OFFICE OF PETITIONS

In re Application of	:	
Horst Belau, et al.	:	
Application No. 10/478,510	:	DECISION ON PETITION
Filed: June 14, 2004	:	TO WITHDRAW
Attorney Docket No. 2001P09139	:	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 31, 2007.

The request is **DISMISSED** 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 19, 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: LERNER GREENBERG STEMER, LLP
PO BOX 2480
HOLLYWOOD, FL 33022-2480

UNITED STATES 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.

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

COPY MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Wei et al.	:	
Application No. 10/478,512	:	LETTER REGARDING
Filed: November 24, 2003	:	PATENT TERM ADJUSTMENT
Atty Docket No. NTD-5	:	

This letter is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)" filed February 26, 2009. Pursuant to their duty of good faith and candor to the Office, applicants disclose that the initial patent term adjustment should be seven hundred sixty three (763) days, not seven hundred sixty five (765) days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED**.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is seven hundred sixty -three **(763)** days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On November 26, 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 765 days. Applicants disclose that a period of reduction of 2 days pursuant to 37 CFR 1.704(c)(8) should have been entered for the filing of a supplemental amendment on August 7, 2008.

A review of the record confirms that a period of reduction should have been entered for the filing of the supplemental amendment on August 7, 2008.

37 CFR 1.704 (c) provides that:

> Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:
>
> > (8) 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, 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 the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed;

In this instance, applicants filed a response to a final rejection on August 5, 2008. Thereafter, on August 7, 2008, applicants filed the supplemental amendment. The supplemental amendment was not expressly requested by the examiner. Accordingly, pursuant to § 1.704(c)(8), an additional period of reduction of 2 days is being entered.

In view thereof, it is concluded that the determination of patent term adjustment at the time of the mailing of the notice of allowance is seven hundred sixty-three (763) 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 fee submitted is being refunded to the Deposit Account, as authorized.

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 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 the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of revised PALM Screen

Day : Friday
Date: 6/19/2009

PALM INTRANET

Time: 18:04:24

PTA Calculations for Application: 10/478512			
Application Filing Date:	11/24/2003	PTO Delay (PTO):	858
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	93
Post-Issue Petitions:	0	Total PTA (days):	763
PTO Delay Adjustment:	-2		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
61	06/19/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		2	
47	11/26/2008	MAIL NOTICE OF ALLOWANCE			
46	11/25/2008	ISSUE REVISION COMPLETED			
45	11/25/2008	DOCUMENT VERIFICATION			
44	11/25/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
43	11/21/2008	EXAMINER'S AMENDMENT COMMUNICATION			
42	11/21/2008	NOTICE OF ALLOWABILITY			
38	08/07/2008	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
37	09/11/2008	DATE FORWARDED TO EXAMINER			
36	08/07/2008	SUPPLEMENTAL RESPONSE			
35	08/07/2008	DATE FORWARDED TO EXAMINER			
34	08/05/2008	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
33	08/07/2008	DATE FORWARDED TO EXAMINER			
32	08/05/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)		61	25
31	08/07/2008	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
30	08/05/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
29	08/05/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
28	07/31/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
27	06/20/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
26	06/11/2008	CORRESPONDENCE ADDRESS CHANGE			

25	03/05/2008	MAIL FINAL REJECTION (PTOL - 326)			
24	02/28/2008	FINAL REJECTION			
23	12/29/2007	DATE FORWARDED TO EXAMINER			
22	12/20/2007	RESPONSE AFTER NON-FINAL ACTION			
21	10/05/2007	CASE DOCKETED TO EXAMINER IN GAU			
20	09/20/2007	MAIL NON-FINAL REJECTION			
19	09/17/2007	NON-FINAL REJECTION			
18	08/03/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
17	08/03/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		32	11
13	08/03/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	07/07/2007	DATE FORWARDED TO EXAMINER			
11	07/02/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
10	06/06/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
9	06/01/2007	MAIL RESTRICTION REQUIREMENT	858		-1
8	11/24/2003	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
7	05/29/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
6	05/29/2007	CASE DOCKETED TO EXAMINER IN GAU			
5	04/22/2004	CLEARED BY OIPE CSR			
4	11/25/2003	371 COMPLETION DATE			
3	04/12/2004	APPLICATION DISPATCHED FROM OIPE			
2	04/12/2004	NOTICE OF DO/EO ACCEPTANCE MAILED			
1	11/24/2003	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

AUG 17 2009

OFFICE OF PETITIONS

In re Patent No. 7,430,451
Issued: September 30, 2008
Application No. 10/478,515
Filed: June 3, 2004
Dkt. No.: 044499-0185

: PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R §1.705", filed November 24, 2008. This matter is being properly treated as an application for patent term adjustment pursuant to 37 CFR 1.705(d).

The request for reconsideration of patent term adjustment (PTA) is **DISMISSED**.

The above-identified application matured into U.S. Pat. No. 7,430,4513 on September 30, 2008. The patent issued with a PTA 830 days. The 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 830 days to 1,100 days.

Patentees request reconsideration 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 contend that pursuant to Wyeth, a PTO delay under 35 U.S.C. 154(b)(1)(A) overlaps with a delay under 35 U.S.C. 154(b)(1)(B) only if the delays occur on the same day.

Patentee asserts that the correct number of days of Patent Term Adjustment is 1,100 days under the courts interpretation of the overlap provision as set forth in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentee asserts that pursuant to Wyeth, a PTO delay under §154(b)(1)(A) overlaps with a delay under §154(b)(1)(B) only if the delays "occur on the same day." Patentee maintains that the total non-overlapping PTO delay under §154(b)(1)(A) & (B) is 1,154 days (884 days + 270 days) as these periods do not occur on the same day. Further, patentee acknowledges a delay of 54 days pursuant to 37 CFR 1.704(c)(10). Thus, patentee asserts entitlement to an overall patent term adjustment of 1,100 days (1,154 days *less* 54 days).

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.

The Office agrees that as of the issuance of the patent on November 4, 2008, the application was pending three years and 670 days after the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application. The Office agrees that certain action was not taken within a specified time frame, and, thus, the entry of a period of adjustment of 884 days is correct. At issue is whether patentees should accrue an additional 670 days of patent term adjustment for the Office taking in excess of three years to issue the patent as well as 884 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the period of 670 days delay in issuance of the patent overlaps with the period of examination delay of 884 days. 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, 35 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 (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 Patentees. 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 three-year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application overlap with the actual dates in the periods for

---

[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).

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 national stage commenced under 35 U.S.C. 371(b) or (f) in an international 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 was pending before the Office, June 3, 2004, to the date the patent issued on September 30, 2008. Prior to the issuance of the patent, 884 days of patent term adjustment were accorded for the Office failing to respond within a specified time frame during the pendency of the application.

The application actually issued three years and 670 days after the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application. However, the Office did not delay 884 days and then delay an additional 670 days. Accordingly, 884 days of patent term adjustment (not 884 days and 670 days) was properly entered because the period of delay of 660 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 884 days attributable to grounds specified in § 1.702(a)(1). Entry of both periods is not warranted.

In view thereof, no adjustment to the patent term will be made.

The Office acknowledges submission of the required application fee of $200.00. See, 37 CFR 1.18(e). The request for refund of the required application fee is hereby DISMISSED. Submission of the application fee is a prerequisite prior to treatment on the merits of any application for patent term adjustment.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

09 AUG 2004

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

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

INCYTE CORPORATION
3160 PORTER DRIVE
PALO ALTO, CA 94304

In re Application of	:	
Swarnakar, Anita et al	:	
Application No.: 10/478519	:	
PCT Application No.: PCT/US02/18354	:	DECISION ON
International Filing Date: 22 May 2002	:	
Priority Date: 25 May 2001	:	PETITION UNDER
Attorney Docket No.: 039386-0322	:	
For: CARBOHYDRATE-ASSOCIATED PROTEINS	:	37 CFR 1.47 (a)

This is in response to applicant's petition filed on 22 June 2004, to accept filing without the signature of non-signing inventor under 37 CFR 1.47 (a) in the above identified application.

BACKGROUND

On 22 May 2002, applicant filed international application number PCT/US02/18354 which claimed priority to an earlier filed United States provisional application 60/293,768 filed on 25 May 2001. The period for paying the basic national fee is thus 30 months and ended at midnight 25 November 2003.

On 21 November 2003, a transmittal letter for entry into the national stage in the United States was filed along with, inter alia, payment of the basic national fee.

On 15 April 2004, the United States Patent and Trademark Office mailed a Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office (DO/EO/US) for failing to furnish an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

On 22 June 2004, applicant submitted an executed declaration, a petition under 37 CFR 1.47 (a), the fee for a one month extension of time and a surcharge of $130 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date, and a revocation/appoint of attorney by the assignee under 37 CFR 3.73(b).

DISCUSSION

I. Petition under 37 CFR 1.47

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).

With regard to (1), the petition fee has been paid.

With regard to (2), the declaration by Ms. McDill states the last known address of Ms. Govard.

With regard to (3), the evidence of record is sufficient to establish that Ms. Govard refuses to join in the application.

With regard to (4), the declaration executed by the available inventors on behalf of the nonsigning inventor is in compliance with 37 CFR 1.497(a) and (b).

Accordingly, the requirements under 37 CFR 1.47(a) have been satisfied.

II. Revocation/appoint of attorney under 37 CFR 3.73

The revocation/appointment of attorney under 37 CFR 3.73(b) submitted 22 June 2004 is not effective, as documentary evidence of the chain of title to the assignee has not been submitted. See 37 CFR 3.73(b)(1). Consequently, the correspondence address has not been changed.

CONCLUSION

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 the 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 Processing Division of the Office of PCT Operations to continue national stage processing, including according the application a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 22 June 2004.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (703) 308-3659
Facsimile: (703) 308-6459

09 AUG 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

Ann E. Gorvad
2519 Sylvan Street
Bellingham, Washington 98226

In re Application of :
Swarnakar, Anita et al :
Application No.: 10/478519 :
PCT Application No.: PCT/US02/18354 :
International Filing Date: 22 May 2002 :
Priority Date: 25 May 2001 :
Attorney Docket No.: 039386-0322 :
For: CARBOHYDRATE-ASSOCIATED PROTEINS :

Dear Ms. Govard,

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 proceeding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an oath or declaration by you pursuant to 37 CFR 1.63.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (703) 308-3659
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRISON & FOERSTER
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

COPY MAILED

SEP 2 0 2005

OFFICE OF PETITIONS

In re Application of	:
Randall Cayford	:
Application No. 10/478,548	: DECISION ON PETITION
Filed: November 21, 2003	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 416272000701	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 4, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment and application data sheet filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional application has been included in an application data sheet and, an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3661 for appropriate action on the amendment filed March 4, 2005, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional Application No. 10/061,784, filed January 31, 2002.

Karen Creasy

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

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

caf

Mailed: 9-4-07

In re application of	:	
James MCGOLDRICK, et al.	:	DECISION ON
Serial No. 10/478,549	:	PETITION
Filed: February 25, 2004	:	
For: PROPYLENE POLYMERS WITH IMPROVED PROPERTIES	:	

This is a decision on the PETITION UNDER 37 CFR 1.181 that the Information Disclosure Citation filed February 17, 2006 be initialed to provide notice that every document listed therein has been considered by the U.S. Patent and Trademark Office.

On February 17, 2006, Applicants submitted an Information Disclosure Statement. On April 5, 2006 the USPTO issued an office action in which the examiner annotated the PTO-1449 to read "NOT IN CONFORMANCE WITH 37 CFR 1.98(3)(i)." In support of not considering any of the references listed on the PTO-1449 the examiner stated: "documents EP 0177961 and DE 3610644 are both in German. While both references are cited on the PCT Search report, neither citation is deemed concise, with an explanation in English as to the relevance of either document."

It is noted that this petition was submitted on August 15, 2006 which falls more than 2 months after the date of the office action containing the Examiner's consideration of the IDS, making the instant petition untimely under Rule 181. Nonetheless, the instant petition will be considered on its merits.

DECISION

First, it is noted that MPEP 609.01 states:

> "After the examiner reviews the IDS for compliance with 37 CFR1.97 and 1.98, the examiner should: (See MPEP § 609.05).
> (A) Consider the information properly submitted in an IDS in the same manner that the examiner considers other documents in Office search files while conducting a search of the prior art in a proper field of search.
> (1) For e-IDS, use the e-IDS icon on examiner 's workstation to consider cited U.S. patents and U.S. patent application publications. See MPEP § 609.07 for more information on e-IDS.
> (2) Initial the blank column next to the citation to indicate that the information has been considered by the examiner.
> (B) Draw a line through the citation to show that it has not been considered if the citation fails to comply with all the requirements of 37 CFR 1.97 and 37 CFR 1.98. - The examiner should inform applicant the reasons why a citation was not considered.

> (C) Write "not considered " on an information disclosure statement if none of the information listed complies with the requirements of 37 CFR 1.97 and 37 CFR 1.98. - The examiner will inform applicant the reasons why the IDS was not considered by using form paragraphs 6.49 through 6.49.09.

In the present application, the examiner did not indicate that none of the information listed complies with the requirements of 37 CFR 1.98. Therefore, the examiner should have considered the information that was properly submitted and should have drawn a line through only those citations which failed to comply with the requirements.

Secondly, the examiner indicated that "documents EP 0 177 961 and DE 36 10 644 are both in German. While both references are cited on the PCT Search report, neither citation is deemed concise, with an explanation in English as to the relevance of either document."

MPEP 609.04(a) states:

> "Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report."

EP 0 177 961 and DE 36 10 644 are cited in an English language foreign search report which indicates the degree of relevance (i.e. "X" designation for each reference), thus for these reference the concise explanation of relevance has been satisfied.

Accordingly, the petition is **GRANTED**.

The application is being forwarded to the examiner for consideration of the Information Disclosure Statement.

Jacqueline M. Stone

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

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

2 0 APR 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

Richard E.L. Henderson
Bayer Cropscience LP
Patent Department
100 Bayer Road
Pittsburgh, PA 15205-9741

In re Application of	:	
HENSE et al.	:	
Application No.: 10/478,552	:	DECISION ON
PCT No.: PCT/EP02/05389	:	PAPERS UNDER 37 CFR 1.42
Int. Filing Date: 16 May 2002	:	
Priority Date: 29 May 2001	:	
Attorney Docket No.: CS-8007/LEA34988	:	
For: SUBSTITUTED IMIDATES AS PESTICIDAL AGENTS		

This decision is in response to "Submission of Missing Parts of Application under 37 CFR 37 CFR 1.63" filed 07 April 2004 which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 16 May 2002, applicants filed international application PCT/EP02/05389, which claimed a priority date of 29 May 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 December 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, 29 November 2003.

On 24 November 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); a copy of the international application; and a preliminary amendment.

On 26 March 2004, 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 07 April 2004, applicants filed the present petition.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the Manual of Patent Examining Procedure (MPEP) states that the application can also be executed by "all of the heirs" of the deceased inventor, where no legal representative has been appointed.

The declaration submitted on 07 April 2004 was executed by Angelika Lubos-Erdelen as "heir" to the deceased inventor, Christoph Erdelen. Counsel avers that "Angelika Lubos-Erdelen is the sole heir." The declaration submitted appears to have been executed by the proper party under 37 CFR 1.42, however, the declaration does not satisfy the requirements under 37 CFR 1.497(a)(3). Specifically, the declaration identifies a different inventor than that indicated in the published international application. Namely, the declaration identifies and is signed by "Katharina Jansen" whereas the international application identifies "Katharina Voight."

If the inventor's name has since changed, applicant must file a petition under 1.182 in accordance with MPEP 605.04(c) in order to accept the previously filed declaration. If the inventor's name has not changed, an oath or declaration identifying the same inventors identified in the published international application together with an explanation as to why the inventors executed a declaration identifying "Katharina Jansen" as an inventor.

It is noted that the submission of the declaration executed by all of the heirs of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed. If this interpretation is incorrect, applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

CONCLUSION

The papers filed under 37 CFR 1.42 are **REFUSED**.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. The proper response would be: if the inventor's name has changed, a petition under 37 CFR 1.182; or if the inventor's name has not changed, an oath or declaration identifying the same inventors identified in the published international application together with an explanation as to why the inventors executed a declaration identifying "Katharina Jansen" as an inventor. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, 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

22 JUN 2004

#8

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Richard E.L. Henderson
Bayer Cropscience LP
Patent Department
100 Bayer Road
Pittsburgh, PA 15205-9741

In re Application of	:	
HENSE et al.	:	
Application No.: 10/478,552	:	DECISION ON PETITION
PCT No.: PCT/EP02/05389	:	
Int. Filing Date: 16 May 2002	:	
Priority Date: 29 May 2001	:	
Attorney Docket No.: CS-8007/LEA34988	:	
For: SUBSTITUTED IMIDATES AS PESTICIDAL AGENTS		

This decision is in response to applicants' "Petition under 37 CFR 1.182" and Renewed Request under 37 CFR 1.42. filed 10 May 2004

BACKGROUND

On 16 May 2002, applicants filed international application PCT/EP02/05389, which claimed a priority date of 29 May 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 December 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, 29 November 2003.

On 24 November 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); a copy of the international application; and a preliminary amendment.

On 26 March 2004, 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 07 April 2004, applicants filed "Submission of Missing Parts of Application under 37 CFR 1.63." In a Decision dated 20 April 2004, the request to accept the declaration under 37 CFR 1.42 was dismissed without prejudice.

On 10 May 2004, applicant filed "Petition under 37 CFR 1.182" and Renewed Request under 37 CFR 1.42.

DISCUSSION

A. Petition under 37 CFR 1.182

In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a petition under 37 CFR 1.182 or a showing that a 92bis change was made prior to the National stage filing is required. In the instant case, a Notification of the Recording of a Change (Form PCT/IB/306) has been forwarded by the International Bureau correcting the name of the seventh inventor to "Katharina Jansen." Therefore, the petition under 37 CFR 1.182 is dismissed as moot and the petition fee will be refunded to Deposit Account no. 50-2510.

B. Request under 37 CFR 1.42

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the Manual of Patent Examining Procedure (MPEP) states that the application can also be executed by "all of the heirs" of the deceased inventor, where no legal representative has been appointed.

The declaration submitted on 07 April 2004 was executed by Angelika Lubos-Erdelen as "heir" to the deceased inventor, Christoph Erdelen. Counsel avers that "Angelika Lubos-Erdelen is the sole heir." The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed as of 07 April 2004.

It is noted that the submission of the declaration executed by all of the heirs of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed. If this interpretation is incorrect, applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

CONCLUSION

The petition under 37 CFR 1.182 is **DISMISSED** as moot.

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

The application has an international filing date of 16 May 2002, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **07 April 2004**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Anthony Smith

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAY 10 2010

OFFICE OF PETITIONS

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

In re Application of :
Jean C. MCKEOWN et al. :
Application No. 10/478,572 : DECISION ON PETITION
Filed: June 21, 2004 :
Attorney Docket No. **A0976.70001US00** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 18, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 16, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination 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 June 17, 2009.

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.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1110 extension of time fee submitted with the petition on December 18, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 2456 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

15 APR 2004

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Douglas J. Christensen
Patterson, Thuente, Skaar & Christensen
4800 IDS Center
80 South Eighth Street
Minneapolis, MN 55402

In re Application of	:	
WISEMAN, et al.	:	
U.S. Application No.: 10/478,587	:	DECISION ON PETITION
PCT No.: PCT/US02/09423	:	
Int. Filing Date: 28 March 2002	:	UNDER 37 CFR 1.137(b)
Priority Date: 01 April 2001	:	
Attorney Docket No.: 2267.575WOUS	:	
For: THIN WAFER INSERT	:	

The petition to revive under 37 CFR 1.137(b) filed 24 November 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" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full U.S. Basic National Fee. 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. Further, a review of the application file reveals that applicant has filed an executed declaration which complies with 37 CFR 1.497(a)-(b) and that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

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)(1), (c)(2) and (c)(4) date is **24 November 2003**.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (703) 305-0130
Fax: (703) 308-6459

06 DEC 2004

4-10

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Flynn, Thiel, Boutell & Tanis P.C.
2026 Rambling Road
Kalamazoo, Michigan 49008-1631

In re Application of	:	
LIPPERT et al.	:	
Application No.: 10/478,592	:	
PCT No.: PCT/EP02/05028	:	DECISION ON REQUEST
Int. Filing Date: 07 May 2002	:	
Priority Date: 17 May 2001	:	
Attorney Docket No.: HPBCC-106	:	
For: METHOD FOR CONTROLLING A SERVICE-PROVIDING DEVICE		

This decision is in response to the applicants' "Response to Notification" which is being treated as a request under 37 CFR 1.497(d) filed 25 October 2004. A $130 petition fee will be charged to Deposit Account no. 06-1382.

BACKGROUND

On 07 May 2002, applicants filed international application PCT/EP02/05028 which claimed a priority date of 17 May 2001. The international application named Johannes Lippert and Franz Hasewend as the applicants/inventors. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 November 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 17 November 2003.

On 14 November 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 translation of the international application.

On 06 May 2004, 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.

On 07 September 2004, applicants filed a declaration executed by: Johannes Lippert; Dirk Forke and Franz Hasewend.

On 23 September 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because the third inventor (Dirk Forke) was not identified by the name listed on the international application.

DISCUSSION

In the instant case, the international application named Johannes Lippert and Franz Hasewend as applicants/inventors. Applicants request to add Dirk Forke 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**.

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

30 SEP 2005

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ralph A. Dowell
DOWELL & DOWELL P.C.
2111 Eisenhower Ave.
Suite 406
Alexandria VA 22314

In re Application of WANG et al. Application No.: 10/478,593 PCT No.: PCT/RU01/00187 Int. Filing: 23 May 2001 Priority Date: none Attorney Docket No.: 14530NP For: CHANNEL ESTIMATION IN CDMA COMMUNICATIONS SYSTEMS USING BOTH LOWER POWER PILOT CHANNEL AND HIGHER POWER DATE CHANNEL	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a) and STATUS Under 37 CFR 1.42

This is a decision on applicant's "Petition under 37 CFR 1.47(b)", treated as a petition under 37 CFR 1.47(a) and Status under 37 CFR 1.42, filed in the United States Patent and Trademark Office (USPTO) on 09 August 2004. Applicant's request for a two month extension of time is granted.

BACKGROUND

On 07 April 2004, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) was required. Applicant was given a two (2) month period within which to respond. Extensions of time were available under 37 CFR 1.136(a).

On 09 August 2004, applicant filed a petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4). The petition requested the acceptance of the application without the signatures of deceased inventor Rui Wang and non-signing inventors Mohamed El-Tarkhuni and Zhi Ding.

DISCUSSION

Status under 37 CFR 1.42

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 or any supplemental declaration is not the inventor (§§1.42, 1.43 or §1.47), the oath or declaration shall state the relationship of the person to the inventor...and the citizenship, residence and mailing address of the legal representative". (Emphasis added.)

37 CFR 1.497(b)(2) requires the declaration to *state the relationship* of the person(s) (under 37 CFR 1.42) making the declaration for a deceased inventor and *state the citizenship, residency and mailing address of the heir(s)/legal representative* as well as that of the deceased inventor. The declaration submitted on 9 August 2004 does not provide the citizenship, residency and last known mailing address for Chao Wang , the legal representative of the deceased inventor Rui Wang and is unacceptable.

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 non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

The petition included the requisite petition fee, satisfying Item (1). Item (3) is satisfied because the last known address of non-signing inventors and legal representative of deceased inventor were provided in the petition.

Applicant attempted to satisfy Item (2) with the submission of a statement of facts by a person having firsthand knowledge of the facts recited therein with supporting exhibits.

Ms. Wendy Smith states that she sent a letter accompanied by a copy of the application as filed and declaration to the last known addresses for the respective two non-signing inventors and the legal representative of the deceased inventor (copies accompanied the statement). Ms. Smith indicates that proof of delivery of these papers to each of these individuals is attached to her statement. Specifically, Ms. Smith states that "a copy of the courier company's manifest sheet showing that the package was signed for by Ms. Wang" is enclosed. Likewise for inventors El-Tarkhuni and Ding, Ms. Smith states that "a copy of the FedEx tracking sheet showing that the package was delivered" is enclosed. However, the FedEx tracking sheet and courier company manifest demonstrating proof of receipt of the delivery to any of these individuals is not found among the papers submitted on 09 August 2004.

Section 409.03(d) states, in pertinent part:

> 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 the conclusion is based should be stated in a 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 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.

With regard to item (4), the declaration was executed by the available joint inventors on their behalf and on behalf of the non-signing inventors. However, a new declaration is required as the declaration provided does not set forth the citizenship, residency and mailing address for the legal representative and thus, cannot satisfy the requirements of 37 CFR 1.47(a). A new declaration is required, signed by the joint inventors on behalf of the non-signing inventors and the non-signing legal representative of the deceased inventor. The new declaration must set forth the citizenship, residency and mailing address for all inventors including the deceased inventor and for the legal representative. Further, the declaration must state the relationship of the legal representative of the deceased inventor.

Items (2) and (4) above have not been satisfied. The evidence submitted does not support a finding that the nonsigning inventor refuses to sign the application for the reasons set forth above. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE.**

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) 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 petition fee is required. Any further extensions of time available 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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571) 272-3286
Facsimile (571) 272-0459

#10

UNITED STATES PATENT AND TRADEMARK OFFICE

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

21 AUG 2006

Ralph A. Dowell
DOWELL & DOWELL P.C.
2111 Eisenhower Ave.
Suite 406
Alexandria VA 22314

In re Application of WANG et al. Application No.: 10/478,593 PCT No.: PCT/RU01/00187 Int. Filing: 23 May 2001 Priority Date: none Attorney Docket No.: 14530NP For: CHANNEL ESTIMATION IN CDMA COMMUNICATIONS SYSTEMS USING BOTH LOWER POWER PILOT CHANNEL AND HIGHER POWER DATE CHANNEL	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a) and STATUS Under 37 CFR 1.42

This is a decision on applicant's "Renewed Petition under 37 CFR 1.47(a)", treated as a petition under 37 CFR 1.47(a) and Status under 37 CFR 1.42, filed in the United States Patent and Trademark Office (USPTO) on 12 April 2006.

BACKGROUND

On 07 April 2004, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) was required. Applicant was given a two (2) month period within which to respond. Extensions of time were available under 37 CFR 1.136(a).

On 09 August 2004, applicant filed a petition under 37 CFR 1.47(b) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4). The petition, treated as a petition under 37 CFR 1.47(a), requested the acceptance of the application without the signatures of deceased inventor Rui Wang and non-signing inventors Mohamed El-Tarkhuni and Zhi Ding.

On 30 September 2005, a decision on applicant's petition was mailed indicating that the evidence submitted did not support a finding that the nonsigning inventor refuses to sign the application.

On 30 November 2005, applicant filed a renewed petition under 37 CFR 1.47(a). On 13 February 2006, a decision dismissing the petition was mailed to applicant indicating that the proof of delivery of the application papers to each of individual inventor was not presented and is required.

On 12 April 2006, applicant filed the instant renewed petition along with Federal Express and courier delivery information.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Petitioner previously satisfied Items (1), (3) and (4). Petitioner previously attempted to satisfy Item (2) with the submission of a statement of facts by a person having firsthand knowledge of the facts recited therein. However, the supporting exhibits were not attached. Petitioner has now submitted proof of delivery of the application papers to the non-signing inventors. Ms. Wendy Smith stated that she sent a letter accompanied by a copy of the application as filed and declaration to the last known addresses for the respective two non-signing inventors and to the legal representative of the deceased inventor. Copies of the letters and accompanying documents were attached to her statement. The proof of delivery of these papers to each of these individuals has now been presented. Thus, Item (2) has now been satisfied.

The evidence submitted supports a finding that the nonsigning inventors refuse to sign the application at this time. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **GRANTED**. Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 09 August 2004. The application has an international filing date of 23 May 2001 under 35 U.S.C. 363, and a date of 04 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 inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

The application is being returned to the United States Designed/Elected Office (DO/EO/US) for processing as the U.S. National Stage of the above-identified international application.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571) 272-3286
Facsimile (571) 272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

21 AUG 2006

Chao Wang
1204-900 Dynes Road
Ottawa, Ontario CANADA
K2C3L6

In re Application of WANG et al. Application No.: 10/478,593 PCT No.: PCT/RU01/00187 Int. Filing: 23 May 2001 Priority Date: none Attorney Docket No.: 14530NP For: CHANNEL ESTIMATION IN CDMA COMMUNICATIONS SYSTEMS USING BOTH LOWER POWER PILOT CHANNEL AND HIGHER POWER DATE CHANNEL	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a) and STATUS Under 37 CFR 1.42

Dear Ms. Wang:

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
PCT Legal Office

Telephone: (571)272 -3286

Ralph A. Dowell
DOWELL & DOWELL P.C.
2111 Eisenhower Ave.
Suite 406
Alexandria VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

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

21 AUG 2006

Mohamed El-Tarkhuni
c/o American University of Sharjah
P.O. Box 26666
Sharjah
UNITED ARAB EMIRATES

In re Application of WANG et al. Application No.: 10/478,593 PCT No.: PCT/RU01/00187 Int. Filing: 23 May 2001 Priority Date: none Attorney Docket No.: 14530NP For: CHANNEL ESTIMATION IN CDMA COMMUNICATIONS SYSTEMS USING BOTH LOWER POWER PILOT CHANNEL AND HIGHER POWER DATE CHANNEL	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a) and STATUS Under 37 CFR 1.42

Dear Mr. El-Tarkhuni:

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
PCT Legal Office

Telephone: (571)272 -3286

Ralph A. Dowell
DOWELL & DOWELL P.C.
2111 Eisenhower Ave.
Suite 406
Alexandria VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

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

21 AUG 2006

ZHI DING
15 CARLSBAD PLACE
IOWA CITY, IOWA 52246

In re Application of WANG et al. Application No.: 10/478,593 PCT No.: PCT/RU01/00187 Int. Filing: 23 May 2001 Priority Date: none Attorney Docket No.: 14530NP For: CHANNEL ESTIMATION IN CDMA COMMUNICATIONS SYSTEMS USING BOTH LOWER POWER PILOT CHANNEL AND HIGHER POWER DATE CHANNEL	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a) and STATUS Under 37 CFR 1.42

Dear Mr. Ding:

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
PCT Legal Office

Telephone: (571)272 -3286

Ralph A. Dowell
DOWELL & DOWELL P.C.
2111 Eisenhower Ave.
Suite 406
Alexandria VA 22314

#8

UNITED STATES PATENT AND TRADEMARK OFFICE

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

13 FEB 2006

Ralph A. Dowell
DOWELL & DOWELL P.C.
2111 Eisenhower Ave.
Suite 406
Alexandria VA 22314

In re Application of WANG et al. Application No.: 10/478,593 PCT No.: PCT/RU01/00187 Int. Filing: 23 May 2001 Priority Date: none Attorney Docket No.: 14530NP For: CHANNEL ESTIMATION IN CDMA COMMUNICATIONS SYSTEMS USING BOTH LOWER POWER PILOT CHANNEL AND HIGHER POWER DATE CHANNEL	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a) and STATUS Under 37 CFR 1.42

This is a decision on applicant's "Renewed Petition under 37 CFR 1.47(a)", treated as a petition under 37 CFR 1.47(a) and Status under 37 CFR 1.42, filed in the United States Patent and Trademark Office (USPTO) on 30 November 2005.

BACKGROUND

On 07 April 2004, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) was required. Applicant was given a two (2) month period within which to respond. Extensions of time were available under 37 CFR 1.136(a).

On 09 August 2004, applicant filed a petition under 37 CFR 1.47(b) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4). The petition, treated as a petition under 37 CFR 1.47(a), requested the acceptance of the application without the signatures of deceased inventor Rui Wang and non-signing inventors Mohamed El-Tarkhuni and Zhi Ding.

On 30 September 2005, a decision on applicant's petition was mailed indicating that the evidence submitted did not support a finding that the nonsigning inventor refuses to sign the application.

On 30 November 2005, applicant filed the instant 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 non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1) and (3). With regard to Item (4), in the renewed petition, counsel for applicant indicated that "Ms. Wang's address is the same as the deceased inventor Rui Wang's address and her citizenship is Canadian". This statement is construed to meet the requirement that the declaration state the citizenship, residency and mailing address of the heir(s)/legal representative as well as that of the deceased inventor. The declaration submitted on 9 August 2004 indicated that Chao Wang is the legal representative of the deceased inventor Rui Wang. The declaration is now acceptable.

Applicant previously attempted to satisfy Item (2) with the submission of a statement of facts by a person having firsthand knowledge of the facts recited therein. However, the supporting exhibits were not attached.

As previously noted in the decision mailed on 30 September 2005, Ms. Wendy Smith stated that she sent a letter accompanied by a copy of the application as filed and declaration to the last known addresses for the respective two non-signing inventors and to the legal representative of the deceased inventor. Copies of the letters and accompanying documents were attached to her statement. However, the proof of delivery of these papers to each of these individuals was not presented with her statement. Where there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. See MPEP 409.03(d).

With the renewed petition, applicant provided a copy of the first page of the FedEx tracking sheet in an attempt to show that the respective packages were delivered to inventors El-Tarkhuni and Ding. However, for each delivery, only the first page of the 2 page documents were provided. Moreover, the copy of the courier company's manifest sheet showing that the package was signed for by Ms. Wang was not provided and is required.

All pages of the FedEx tracking sheet and courier company manifest are required to demonstrate proof of receipt of the delivery to these individuals.

Thus, Item (2) has not been satisfied. The evidence submitted does not support a finding that the nonsigning inventors refuse to sign the application at this time. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE.**

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) 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 petition fee is required. Any further extensions of time available 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

Telephone: (571) 272-3286
Facsimile (571) 272-0459

05 MAY 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

David S. Resnick
NIXON PEABODY
100 Summer Street
Boston, MA 02110

In re Application of:	:	
SHOHAMI, Esther	:	DECISION ON PETITION
Application No.: 10/478,614	:	
PCT No.: PCT/EP02/05666	:	
Int. Filing Date: 23 May 2002	:	
Priority Date: 25 May 2001	:	
Attorney Docket No.: 057878-1002	:	
For: USE OF IL-18 INHIBITORS FOR TREATING	:	
OR PREVENTING CNS INJURIES	:	

This decision is issued in response to applicant's "Petition Under 37 CFR 1.10(c) To Correct Date-In Of Oath/Declaration" filed 02 July 2004. No petition fee is required.

BACKGROUND

On 23 May 2002, applicant filed international application PCT/EP02/05666 which claimed a priority date of 25 May 2001 and which designated the United States. On 05 December 2002, a copy of the international application was transmitted to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 25 November 2003.

On 24 November 2003, applicant filed a transmittal letter for entry into the national stage accompanied by, among other materials, payment of the basic national fee.

On 11 March 2004, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 was required.

In April 2004, applicant filed a response to the Notification Of Missing Requirements that included an executed declaration.

On 17 May 2004, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying 06 April 2004 as the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" and the "Date Of Completion Of All 35 U.S.C. 371(c) Requirements." Also on 17 May 2004, a filing receipt was issued which identified 06 April 2004 as the 35 U.S.C. 371(c) date.

On 02 July 2004, applicant filed the petition considered herein. In the petition, applicant asserts that the declaration completing the requirements of 35 U.S.C. 371(c) was deposited with the USPS as "Express Mail" on 05 April 2004. Applicant therefore argues that 05 April 2004 is the proper 35 U.S.C. 371(c) date for the present application.

DISCUSSION

The executed declaration herein was accompanied by a "Verified Certification Of Express Mailing Date" that identified the "Express Mail" label number as EU813933175US, itemized the enclosed materials (including the declaration), and listed 05 April 2004 as the deposit date. Applicant has included with the present petition a copy of the customer copy of the "Express Mail" label for this label number; the "date in" on the "Express Mail" label is "4/5/04." The label also bears a USPS stamp dated 05 April 2004.

Based on the "Verified Certification Of Express Mailing Date" filed by applicant, and the 05 April 2004 "date in" and date stamp entered on the "Express Mail" label by the USPS, it is concluded that the "Express Mail" envelope containing the declaration was deposited with the USPS on 05 April 2004. This submission included the final requirements for entering the national stage. Pursuant to 37 CFR 1.10(c), the proper date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for this application is therefore 05 April 2004.

CONCLUSION

Applicant's petition under 37 CFR 1.10(c) is **GRANTED**.

The Notification Of Acceptance and filing receipt mailed 17 May 2004 are hereby **VACATED**.

Issued herewith are: (1) a corrected Notification Of Acceptance (Form PCT/DO/EO/903) identifying 05 April 2004 as the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" and the "Date Of Completion Of All 35 U.S.C. 371(c) Requirements," and (2) a corrected filing receipt identifying the 35 U.S.C. 371(c) date as 05 April 2004.

Richard M. Ross
PCT Petitions Attorney
Office Of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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 S Resnick
Nixon Peabody
100 Summer Street
Boston, MA 02110

Mail Date: 04/21/2010

Applicant	: Esther Shohami	: DECISION ON REQUEST FOR
Patent Number	: 7655616	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/478,614	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/05/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **444** 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.
10/478,623	11/17/2003	Jimmy K Travis	AD6626USPCT	9611

7590 03/04/2008

Kevin S Dobson
E I du Pont de Nemours and Company
Legal-Patents
Wilmington, DE 19898

EXAMINER
SIMONE, CATHERINE A

ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
03/04/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

3-4-08

caf

In re Application of: Jimmy K. Travis et al.
Application No. 10/478,623
Filed: June 17, 2002
For: SHAPED INTERLAYER FOR HEADS-UP DISPLAY WINDSHIELDS AND PROCESS FOR PREPARING SAME

DECISION ON PETITION

This is a decision on the PETITION filed on August 9, 2007.

On June 21, 2007, an office action, i.e. a non-final rejection, was mailed to Applicants. A three month shortened statutory period was set in the office action.

Applicants have stated that the office action was not received. On October 26, 2007, the instant petition was filed to formally request that the time period set in the June 21, 2007 office action be reset. A response to the restriction requirement was filed with the petition.

DECISION

Petitioner has included with the instant petition, docketing records showing that the June 21, 2007 office action was never received. The showing is sufficient. Accordingly, the petition for reissuing the office action and setting a new period for reply is **GRANTED.**

The office action will be mailed under separate cover.

JMStone

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

Kevin S Dobson
E I du Pont de Nemours and Company
Legal-Patents
Wilmington DE 19898

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

COPY MAILED

AUG 15 2008

In re Application of	:	
Hwang, Bo-Yeoun	:	
Application No. 10/478,640	:	DECISION ON PETITION
Filed: November 25, 2003	:	
Attorney Docket No. W17-007	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 15, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before April 17, 2008, as required by the Notice of Allowance and Fee(s) Due mailed January 17, 2008. Accordingly, the application became abandoned on April 18, 2008. A Notice of Abandonment was mailed May 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $720 and the publication fee of $300, (2) the petition fee of $770; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571)272-6059.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

03 MAY 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

Ira S. Matsil
Slater & Matsil, LLP
17950 Preston Road, Suite 1000
Dallas, Texas 75252

In re Application of	:
NUETZEL et al.	:
Application No. 10/478,642	:
PCT No.: PCT/DE02/01818	: DECISION ON PETITION
Int. Filing Date: 21 May 2002	: UNDER 37 CFR 1.181
Priority Date: 25 May 2001	:
Attorney Docket No.: INF114	:
For: A SEMICONDUCTOR MEMORY DEVICE WITH A CAPACITOR FORMED THEREIN, AND A METHOD FOR FORMING THE SAME	

This decision is in response to applicants' "Petition under 37 CFR 1.181 and 37 CFR 1.8(b) to Withdraw the Holding of Abandonment" filed 04 February 2005.

BACKGROUND

On 21 May 2002, applicants filed the above identified international application which claimed priority date of 25 May 2001. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 21 November 2004.

On 04 February 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 translation of the international application; and a first preliminary amendment.

On 17 May 2004, 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 22 July 2004, applicants filed an executed declaration and power of attorney.

On 23 December 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 of Missing Requirements mailed 17 May 2004 within the time period set therein.

On 23 December 2004, applicants filed a change of correspondence address.

On 18 October 2004, applicants filed "Petition under 37 CFR 1.181 and 37 CFR 1.8(b) to Withdraw the Holding of Abandonment."

DISCUSSION

Applicant states in their present petition that an oath/declaration was received at the United States Patent and Trademark Office on 22 July 2004. A review of the application file reveals that the declaration originally filed 22 July 2004 is located therein, therefore, the Notification of Abandonment (PCT/EO/909) was mailed in error.

However, the declaration submitted on 22 July 2004 is not in an acceptable form. Specifically, there is an issue as to whether the declaration has been properly executed. The declaration filed with petition includes duplicate sheets of page 3 of 4 and page 4 of 4. It is unclear if the inventors were presented with only page 3 of 4 and page 4 of 4, 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, which is improper. (See MPEP 201.03(B) on how to correct this matter.)

CONCLUSION

Applicants' petition to withdraw the holding of abandonment is **GRANTED**. In view of the receipt of the declaration and power of attorney filed 22 July 2004, the Notification of Abandonment dated 23 December 2004 was mailed in error and is hereby **VACATED**.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. A proper response must include a declaration in compliance with 37 CFR 1.497(a)-(b). Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, 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
Telephone: 571-272-3298
Fax: 571-273-0459

18 SEP 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ira S. Matsil
Slater & Matsil, LLP
17950 Preston Road, Suite 1000
Dallas, Texas 75252

In re Application of
NUETZEL et al.
Application No. 10/478,642
PCT No.: PCT/DE02/01818
Int. Filing Date: 21 May 2002
Priority Date: 25 May 2001
Attorney Docket No.: INF114
For: A SEMICONDUCTOR MEMORY DEVICE WITH A CAPACITOR FORMED THEREIN, AND A METHOD FOR FORMING THE SAME

: DECISION ON PETITION UNDER 37 CFR 1.181

This decision is issued in response to applicants' "Response to Decision on Petition under 37 CFR 1.181" filed 14 June 2005.

BACKGROUND

On 21 May 2002, applicants filed the above identified international application which claimed priority date of 25 May 2001. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 21 November 2003.

On 25 November 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 translation of the international application; and a first preliminary amendment.

On 17 May 2004, 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 22 July 2004, applicants filed an executed declaration and power of attorney.

On 23 December 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 of Missing Requirements mailed 17 May 2004 within the time period set therein.

On 23 December 2004, applicants filed a change of correspondence address.

On 04 February 2005, applicants filed "Petition under 37 CFR 1.181 and 37 CFR 1.8(b) to Withdraw the Holding of Abandonment." In a decision dated 03 May 2005, applicants' petition under 37 CFR 1.181 to withdraw the holding of abandonment was granted, but the declaration was not in compliance with 37 CFR 1.497(a)-(b).

On 14 June 2005, applicants filed "Response to Petition under 37 CFR 1.181" which included an executed declaration.

DISCUSSION

As stated in the previous "Decision on Petition under 37 CFR 1.181," an oath/declaration was received at the United States Patent and Trademark Office on 22 July 2004 and the Notification of Abandonment (PCT/EO/909) was mailed in error. However, the declaration submitted on 22 July 2004 was not in an acceptable form.

The declaration filed 14 June 2005, in response to the decision on petition under 37 CFR 1.181, complies with 37 CFR 1.497(a)-(b).

CONCLUSION

As previously stated, the petition to withdraw the holding of abandonment is **GRANTED** and the Notification of Abandonment dated 23 December 2004 was mailed in error and is hereby **VACATED**.

The application has an international filing date of 21 May 2002 under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **14 June 2005**.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
Fax: 571-273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : June 06, 2008

TO SPE OF : ART UNIT 2812

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/478642 Patent No.: 7341875 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: _____

CHARLES D. GARBER
SPE
SUPERVISORY PATENT EXAMINER

2812
Art Unit

15 FEB 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Elizabeth P. Morano
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618

In re Application of		
ELBAUM, Hector Daniel	:	
Application No.: 10/478,652	:	
PCT No.: PCT/AU01/00631	:	DECISION ON PETITION
Int. Filing Date: 28 May 2001	:	UNDER 37 CFR 1.47(b)
Priority Date: None	:	
Attorney Docket No.: PA4296USw	:	
For: INHALATION DEVICE	:	

This decision is in response to applicant's "Petition under 37 CFR 1.47(b)" filed 16 July 2004, to accept the application without the signature of inventor, Hector Daniel Elbaum. The petition fee has been submitted.

BACKGROUND

On 28 May 2001, applicant filed international application PCT/AU01/00631 which claimed no priority date. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 December 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 international filing date, 28 November 2003.

On 25 November 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); a copy of international application; and a preliminary amendment.

On 07 May 2004, 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 16 July 2004, applicant filed the present 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),(3) and (6). However, items (2),(4) and (5) have not been satisfied.

Regarding item (2) above, petitioner states that Hector Daniel Elbaum 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 applicant has not satisfied the item (2), 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 Hector Daniel Elbaum. The declaration of Stephen H. Wilson states, "[o]n February 6, 2004, a letter was

sent from Griffith Hack to inventor, Hector Daniel Elbaum, enclosing a declaration and power of attorney . . . the complete specification accompanying International Patent Application no PCT/AU01/00631 had previously been considered and approved by Mr. Elbaum." However, it is unclear whether Mr. Wilson has first hand knowledge all the facts. Where the above tasks conducted by Mr. Wilson or an individual at Griffith Hack? Further, the May 28, 2001 letter (Exhibit A) was not signed by Mr. Wilson. It is noted that the mailing of a declaration and assignment is not considered a complete of the application papers.

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 Hector Daniel Elbaum, and when such papers were sent.

Regarding Item (4), an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor has not been submitted. It is noted that the "Signature by Person with Sufficient Proprietary Interest on Behalf of Nonsigning Inventors who Refuses to Sign" executed by Lindsay Lyon is not acceptable since it does not satisfy the requirements under 37 CFR 1.497(a)-(b). While the submission does include a "Combined Declaration and Power of Attorney" identifying the nonsigning inventor by name and citizenship, such document has not been executed.

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.

Regarding Item (5), petitioner has not demonstrated that applicant has a proprietary interest in the invention. Petitioner has provided a "Deed of Assignment" executed by Hector Daniel Elbaum. The assignment of the "CD-Rom Storage Device" to Project Lab Pty Ltd., show sufficient proprietary interest, however, the assignment is not acceptable to establish ownership and file the application under 37 CFR 1.47(b), in that, petitioner has not provided a complete copy of the assignment. Here, the assignment included with the present petition does not include the "attached specification" as referenced in the assignment and thus cannot be considered a complete copy of the assignment. Applicant may wish to provide the assignment with the "attached specification" for further clarification. Moreover, the mailing of the assignment on 06 February 2004, to the nonsigning inventor, suggests that the application was not previously assigned. 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.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Hector Daniel Elbaum 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.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

27 SEP 2005

#8

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Elizabeth P. Morano
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618

In re Application of
ELBAUM, Hector Daniel
Application No.: 10/478,652
PCT No.: PCT/AU01/00631
Int. Filing Date: 28 May 2001
Priority Date: None
Attorney Docket No.: PA4296USw
For: INHALATION DEVICE

DECISION ON PETITION
UNDER 37 CFR 1.47(b)

This decision is in response to applicant's "Renewed Petition under 37 CFR 1.47(b)" filed 16 May 2005, to accept the application without the signature of inventor, Hector Daniel Elbaum. The petition fee has been submitted.

BACKGROUND

On 28 May 2001, applicant filed international application PCT/AU01/00631 which claimed no priority date. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 December 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 international filing date, 28 November 2003.

On 25 November 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); a copy of international application; and a preliminary amendment.

On 07 May 2004, 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 16 July 2004, applicant filed the present petition under 37 CFR 1.47(b). In a Decision dated 15 February 2005, the petition under 37 CFR 1.47(b) was dismissed without prejudice.

On 16 May 2005, 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), (2), (3), (5) and (6). However, items (4) has not been satisfied.

Regarding Item (2), a review of the present petition and the accompanying papers reveal that applicant has satisfied item (2), in that the applicant has shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Hector Daniel Elbaum. The steps taken by Stephen H. Wilson are sufficient to show that Hector Daniel Elbaum has refused to execute the application.

As to item (4), a declaration executed by Lindsay Lyon on behalf of the nonsigning inventor has been included with the present petition. However, the declaration submitted is not in compliance with 37 CFR 1.497(a)(3) which requires that the oath or declaration identify each inventor and the country of citizenship of the inventor. In this case, the declaration does not identify the citizenship of the inventor (Hector Daniel Elbaum). Since the declaration does not clearly identify the citizenship of the inventor, it is considered defective under 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1).

Regarding item (5), petitioner has provided sufficient proof that the 37 CFR 1.47(b) applicant has a proprietary interest in the application.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Hector Daniel Elbaum under 37 CFR 1.47(b) at this time.

CONCLUSION

The renewed 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.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

#10

UNITED STATES PATENT AND TRADEMARK OFFICE

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

31 JAN 2006

Elizabeth P. Morano
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618

In re Application of
ELBAUM, Hector Daniel
Application No.: 10/478,652
PCT No.: PCT/AU01/00631
Int. Filing Date: 28 May 2001
Priority Date: None
Attorney Docket No.: PA4296USw
For: INHALATION DEVICE

DECISION ON PETITION
UNDER 37 CFR 1.47(b)

This decision is issued in response to applicant's "Renewed Petition under 37 CFR 1.47(b)" filed 26 January 2006, to accept the application without the signature of inventor, Hector Daniel Elbaum. The petition fee has been submitted.

BACKGROUND

On 28 May 2001, applicant filed international application PCT/AU01/00631 which claimed no priority date. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 December 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 international filing date, 28 November 2003.

On 25 November 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); a copy of international application; and a preliminary amendment.

On 07 May 2004, 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 16 July 2004, applicant filed a petition under 37 CFR 1.47(b). In a Decision dated 15 February 2005, the petition under 37 CFR 1.47(b) was dismissed without prejudice.

On 16 May 2005, applicant filed a renewed petition under 37 CFR 1.47(b). In a Decision dated 27 September 2005, the petition under 37 CFR 1.47(b) was dismissed without prejudice.

On 26 January 2006, 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 28 May 2001 under 35 U.S.C. 363, and a date of **26 January 2006** 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.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

31 JAN 2006

Hector Daniel Elbaum
3 Annette Place
Templestowe VIC 3106
Australia

In re Application of
ELBAUM, Hector Daniel
Application No.: 10/478,652
PCT No.: PCT/AU01/00631
Int. Filing Date: 28 May 2001
Priority Date: None
Attorney Docket No.: PA4296USw
For: INHALATION DEVICE

Dear Mr. Elbaum:

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 1.63.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

Counsel of Record:
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS MO 63102

COPY MAILED

JUN 14 2005

OFFICE OF PETITIONS

Applicant: Tan
Appl. No.: 10/478,656
International Filing Date: May 28, 2001
Title: PACKAGED SEMICONDUCTOR CHIP
Pub. No.: US 2004/0169276 A1
Pub. Date: September 2, 2004

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 2, 2004, for the above-identified application.

The request is dismissed.

The instant request is that the patent application publication be republished because the publication includes material errors in that the phrase "semiconductor chip" is misprinted as "semiconductor flip chip" in claims 1 and 9-12.

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 patent application publication does not include a mistake in the publication by the Office because patent application publications are not required to include preliminary amendments,

[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).

according to 37 CFR 1.215(a)[2], which says the following, in part:

> (a) ... The patent application publication will be based upon the specification and drawings deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application. The patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under Sec. 1.125(b), amendments to the abstract under Sec. 1.121(b), amendments to the claims that are reflected in a complete claim listing under Sec. 1.121(c), and amendments to the drawings under Sec. 1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun.

§ 1.215(c) says the following:

> (c) At applicant's option, the patent application publication will be based upon the copy of the application (specification, drawings, and oath or declaration) as amended, provided that applicant supplies such a copy in compliance with the Office electronic filing system requirements within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

While the patent application publication may now include a preliminary amendment, the Office is not required to use the preliminary amendment. The Office has recently changed the procedures for publication of patent applications so as to publish applications as amended, when possible. Until this past year, patent application publications were published as originally filed. See Patent Application Publications May Now Include Amendments, 1281 Off. Gaz. Pat. Office Notices 53 (April 13, 2004). The applicant did not supply a copy of the application in compliance with § 1.215(c). The Office correctly published the application in accordance with § 1.215(a).

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicant's request for a corrected patent application publication on November 2, 2004, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system

---

[2] Changes to Suport Implementation of the United States Patent and Trademark Office 2st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

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.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

16 AUG 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

David G. Posz
Posz & Tethards, PLC
11250 Roger Bacon Drive, Suite 10
Reston, VA 20190

In re Application of	:
Marayuma	:
Application No.: 10/478,700	:
PCT No.: PCT/JP03/03902	:
Int. Filing Date: 27 March 2003	: DECISION
Priority Date: 22 August 2002	:
Attorney's Docket No.: 02-104-TN	:
For: WASHER NOZZLE AND WASHER	:

This decision is in response to applicant's phone call to the PCT Help Desk on 19 July 2005 in which applicant informed the Office that the original translation filed in the above-mentioned National Phase application was not a literal translation as required by 35 U.S.C. 371.

BACKGROUND

On 27 March 2003, applicant filed international application PCT/JP03/03902 that claimed priority of earlier Japanese applications, the earliest of which was filed 22 August 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 04 March 2004. The thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 22 February 2005

On 09 December 2003, applicant filed a letter for entry into the national stage in the United States which was accompanied by, inter alia, an English translation, an I.D.S., an assignment and a check to pay the basic national fee of $920 as required by 35 U.S.C. 371(c). These papers were assigned application number 10/478,700.

On 20 July 2004, the United States Patent and Trademark Office in its capacity as an Elected Office mailed out 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). This notice indicated that the date of receipt of the requirements of 35 U.S.C. 371(c)(1), (2) and (4) was 09 December 2003.

On 19 July 2005, applicant called the PCT Help Desk and indicated that the original translation was not a literal translation, as required by 35 U.S.C. 371.

DISCUSSION

The translation filed on 09 December 2003 was not a literal translation , in that it included claim 1 as amended under PCT Article 19 in the international application. Therfore, 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 20 July 2004 is hereby vacated.

It is noted that applicant filed a literal translation of claim 1 on 24 December 2003. Therefore a corrected "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903), indicating a date of receipt of the requirements of 35 U.S.C. 371(c)(1), (2) and (4) of 24 December 2003 will be mailed to applicant.

CONCLUSION

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 20 July 2004 is hereby **VACATED**.

This application is being forwarded to the national stage office for preparation 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) having a date of 24 December 2003 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

Debra S. Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

DSB/RC:dsb
Telephone: (571) 272-3280
Facsimile: (571) 273-0459

31 OCT 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

David G. Posz
Posz & Tethards, PLC
11250 Roger Bacon Drive, Suite 10
Reston, VA 20190

In re Application of	:
Marayuma	:
Application No.: 10/478,700	:
PCT No.: PCT/JP03/03902	:
Int. Filing Date: 27 March 2003	: DECISION
Priority Date: 22 August 2002	:
Attorney's Docket No.: 02-104-TN	:
For: WASHER NOZZLE AND WASHER	:

This decision is in response to applicant's request to correct the date of receipt of requirements of 371(c)(1), (2) and (4) filed 16 September 2005.

BACKGROUND

On 27 March 2003, applicant filed international application PCT/JP03/03902 that claimed priority of earlier Japanese applications, the earliest of which was filed 22 August 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 04 March 2004. The thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 22 February 2005

On 09 December 2003, applicant filed a letter for entry into the national stage in the United States which was accompanied by, inter alia, an English translation, an I.D.S., an assignment and a check to pay the basic national fee of $920 as required by 35 U.S.C. 371(c). These papers were assigned application number 10/478,700.

On 20 July 2004, the United States Patent and Trademark Office in its capacity as an Elected Office mailed out 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). This notice indicated that the date of receipt of the requirements of 35 U.S.C. 371(c)(1), (2) and (4) was 09 December 2003.

On 19 July 2005, applicant called the PCT Help Desk and indicated that the original translation was not a literal translation, as required by 35 U.S.C. 371.

On 16 August 2005, a decision was mailed to applicant indicating that a corrected "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903), indicating a date of receipt of the requirements of 35 U.S.C. 371(c)(1), (2) and (4) of 24 December 2003 would be mailed to applicant.

On 16 September 2005, applicant filed a request asking that the date of receipt of the requirements of 35 U.S.C. 371(c)(1), (2) and (4) be corrected to 13 January 2004 since a supplemental amendment was filed which corrected the translation to a literal translation of the international application.

DISCUSSION

Neither the translation filed on 09 December 2003 nor the translation filed the 24 December 2004 were a literal translation , in that it included claim 1 as amended under PCT Article 19 in the international application. Therfore, 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 20 July 2004 is hereby vacated.

It is noted that applicant filed a literal translation of claim 1 on 13 January 2004. Therefore a corrected "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903), indicating a date of receipt of the requirements of 35 U.S.C. 371(c)(1), (2) and (4) of 13 January 2004 will be mailed to applicant.

CONCLUSION

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 20 July 2004 is hereby **VACATED**.

This application is being forwarded to the national stage office for preparation 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) having a date of 13 January 2004 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

Debra S. Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: (571) 272-3280
Facsimile: (571) 273-0459

15 NOV 2004

#6

UNITED STATES PATENT and TRADEMARK OFFICE

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

KNOBLE & YOSHIDA, LLC
Eight Penn Center, Suite 1350
1628 John F. Kennedy Blvd.
Philadelphia, PA 19103

In re Application of	: DECISION ON
Babowicz et al	:
PCT No.: PCT/US02/15972	:
Application No: 10/478,701	:
Int. Filing Date: 21 May 2002	: PETITION UNDER
Priority Date: 21 May 2001	:
Attorney's Docket No.: SUNX-0011US	:
For: APPARATUS AND METHOD FOR DIGITAL	:
CONTENT CONCEALMENT IN A STORAGE	:
MEDIUM USING A RECORDING DEVICE	: 37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 20 August 2004. The petition fee of 130.00 has been provided by check.

BACKGROUND

On 21 May 2002, petitioner filed international application PCT/US02/15972, which claimed priority to an earlier application filed 21 May 2001. The thirty-month (30) time period for paying the basic national fee in the United States of America expired at midnight on 21 November 2003.

On 20 November 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.S.C. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed oath or declaration accompanied the above papers.

On 03 May 2004, 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. The current oath or declaration does not comply with 37 CFR .166 or 37 CFR 1.68." The notice indicated that all of the items set forth must be submitted within two (2) months from the date of this Notice or by 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment.

On 20 August 2004, petitioner filed the present petition, a declaration in support of filing on behalf of omitted inventor Stanley Babowicz accompanied, inter alia, an executed Declaration without the signatures of Stanley Babowicz.

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), Mr. Knobe's petition states that a copy of the application, Declaration and Power of Attorney were sent via certified mail to Joel E. Sannes, Mr. Babowicz's attorney, for Mr. Babowicz review and signature. The documents were mailed on June 21, 2004 and received by Mr. Sannes on June 24, 2004. Subsequently, a series of electronic mail communications between Mr. Wees and Mr. Sannes occurred. Mr. Knobe's petition states that in a follow up electronic communication on July 6, 2004 between the two parties, Mr. Sannes stated that "Stan will not assist with the patent application." Therefore, Mr. Babowitcz is unwilling to execute the Declaration for the above listed patent.

However, applicants did not file a statement from Mr. Wees, who is the person involved in the electronic communications listed above and has first hand knowledge of those facts as required by MPEP Section 409.03(d). Since Mr. Knobe did not participate and does not have first knowledge of the electronic communications with Mr. Sannes, he will need to submit a statement from Mr. Wees with specific facts on the actions referred to by the emails.

Regarding requirement (3), petitioner has provided a statement of the last known address of the missing inventor, Mr. Babowicz and Mr. Babowicz's attorney, Mr. Sannes.

Regarding requirement (4), petitioner has provided an executed declaration signed by Mr. Aquilino on his behalf and on the behalf of the nonsigning joint inventor Stanley Babowicz.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." 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.

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

Leonard Smith
PCT Legal Examiner
PCT Legal Office

13 JUN 2005

#8

UNITED STATES PATENT and TRADEMARK OFFICE

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

KNOBLE & YOSHIDA, LLC
Eight Penn Center, Suite 1350
1628 John F. Kennedy Blvd.
Philadelphia, PA 19103

In re Application of Babowicz et al PCT No.: PCT/US02/15972 Application No: 10/478,701 Int. Filing Date: 21 May 2002 Priority Date: 21 May 2001 Attorney's Docket No.: SUNX-0011US For: APPARATUS AND METHOD FOR DIGITAL CONTENT CONCEALMENT IN A STORAGE MEDIUM USING A RECORDING DEVICE	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 15 April 2005.

BACKGROUND

In a decision from this Office on 15 November 2004, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that petitioner had not provided a statement Mr. Wees, who is the person involved in the electronic communications listed above and had first-hand knowledge of those facts.

On 15 April 2005, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 15 November 2004 since petitioner has now submitted a declaration of attorney Wees.

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,

The renewed petition of 15 April 2005 has satisfied requirement 2 under 37 CFR 1.47(a) since a statement from Mr. Wees has been provided. Thus satisfying all the requirements under 37 CFR 1.47(a).

Consequently, the current record does sufficiently establish that Stanley Babowicz refused to join in the application.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **20 August 2004.**

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 under 35 U.S.C. 371.

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

13 JUN 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

Stanley Babowicz
668 N. 44th Street, Suite 248
Phoenix AZ 85008

In re Application of
Babowicz et al
PCT No.: PCT/US02/15972
Application No: 10/478,701
Int. Filing Date: 21 May 2002
Priority Date: 21 May 2001
Attorney's Docket No.: SUNX-0011US
For: APPARATUS AND METHOD FOR DIGITAL CONTENT CONCEALMENT IN A STORAGE MEDIUM USING A RECORDING DEVICE

Dear Mr. Babowicz:

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: (571) 272-3276
Facsimile: (571) 273-0459

KNOBLE & YOSHIDA, LLC
Eight Penn Center, Suite 1350
1628 John F. Kennedy Blvd.
Philadelphia, PA 19103

15 JUL 2004

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

M. Elizabeth Bush
Quallion LLC
P.O. Box 923127
Sylmar, CA 91392-3127

In re Application of	:	
NAKAHARA et al.	:	
Application No.: 10/478,706	:	
PCT No.: PCT/US03/01334	:	DECISION ON REQUEST
Int. Filing Date: 15 January 2003	:	
Priority Date: 15 January 2002	:	
Attorney Docket No.: Q143-US2	:	
For: ELECTRIC STORAGE BATTERY CONSTRUCTION AND METHOD OF MANUFACTURE		

This decision is in response to the applicants' "Request for Correction of Inventorship," which is being treated as a request under 37 CFR 1.497(d) filed 19 November 2003. The $130 petition fee under 37 CFR 1.17(i) will be charged to Deposit Account no. 50-0921.

BACKGROUND

On 15 January 2003, applicants filed international application PCT/US03/01334 which claimed a priority date of 15 January 2002. The international application named Hiroshi Nakahara; David Skinlo; and Hisashi Tsukamoto as the applicants/inventors. 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, 15 July 2004.

On 19 November 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; an executed declaration; an assignment; a preliminary amendment; and a "Request for Correction of Inventorship" under 37 CFR 1.497(d).

DISCUSSION

In the instant case, the international application named Hiroshi Nakahara; David Skinlo; and Hisashi Tsukamoto as an applicants/inventors. Applicants request to add Hiroyuki Yumoto 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) and (3).

However, 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), since the instant application has been assigned to Quallion LLC.

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

21 SEP 2004

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

M. Elizabeth Bush
Quallion LLC
P.O. Box 923127
Sylmar, CA 91392-3127

In re Application of	:	
Nakahara et al.	:	
Application No.: 10/478,706	:	DECISION
PCT No.: PCT/US03/01334	:	
Int. Filing Date: 15 January 2003	:	UNDER
Priority Date: 15 January 2002	:	
Attorney Docket No.: Q143-US2	:	37 CFR 1.497(d)
For: Electric Storage Battery Construction	:	
And Method Of Manufacture	:	

This is a decision on applicants' "Response To Decision On Request For Correction Of Inventorship" filed on 04 August 2004, which is being treated under 37 CFR 1.497(d).

DISCUSSION

On 15 July 2004, a decision dismissing a "Request For Correction Of Inventorship" filed on 19 November 2003 was mailed to applicants. The request was dismissed because applicant had not provided written evidence of the consent of assignee Quallion LLC to the change in inventorship, in compliance with 37 CFR 3.73(b). In response, counsel has submitted a document entitled "Assignee Consent For Correction Of Inventorship" consenting to the correction of inventorship and signed by "Hitashi Tsukamoto" as "President/CEO." As such, all of the requirements of 37 CFR 1.497(d) have now been satisfied.

CONCLUSION

The declaration filed on 19 November 2003 is **ACCEPTED** under 37 CFR 1.497 (d).

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **19 November 2003**.

Richard Cole
PCT Legal Examiner
PCT Legal Office

George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6721
After 30 Sep. 2004: (571) 272-3283
Fax: (703) 308-6459
After 30 Sep. 2004: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

COPY MAILED
DEC 16 2008

In re Patent No. 7,295,709 :
Issue Date: November 13, 2007 :
Application No. 10/478,714 : DECISION ON PETITION
Filed: March 31, 2004 :
Attorney Docket No. 39-290 :

This is a decision on the Request for a Certificate of Correction, filed February 14, 2008, which is being treated as a petition under 37 CFR 3.81. A completed form PTO-1050 was also submitted on February 14, 2008.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner requests that the Title Page of the above-identified patent be corrected via issuance of a certificate of Correction to "correct the assignee "'The Victoria University of Manchester, (Manchester, (GB)' to read: - - The University of Manchester, (Manchester, (GB) - -".

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.

The Petition was accompanied by a Certificate of Correction and deposit account authorization to charge required fees. As such, the requisite $100.00 fee (Fee Code 1811), as set forth under in 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been charged as authorized in the Petition. Further, Office assignment records are consistent with the requested correction. Accordingly, as the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the form PTO-1050 that accompanied the present Petition.

Inquiries related to this communication should be directed to Brian W. Brown at (571) 272-5338.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

The matter is being referred to the Certificate of Corrections Branch for processing of a Certificate of Correction in US Patent 7,341,843.

Brian W. Brown
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

PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
INTELLECTUAL PROPERTY & STANDARDS
1109 MCKAY DRIVE M S 41 SJ
SAN JOSE, CA 95131

COPY MAILED

AUG 0 8 2007

OFFICE OF PETITIONS

In re Application of	:	
Stephane Mutz, et al.	:	
Application No. 10/478,725	:	ON PETITION
Filed: November 24, 2003	:	
Attorney Docket No. FR010167	:	

This is a decision in response to a petition under 37 CFR 1.137(b), filed March 6, 2007, to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

A review of the record discloses that a final Office action was mailed on June 26, 2006, which set a shortened statutory period for reply of three (3) months. On December 21, 2006, a Notice of Appeal was file, with an appropriate three-month extension of time. On February 23, 2007, a Request for Continued Application (RCE) under 37 CFR 1.114 was filed. It is noted that, while the filing on February 23, 2007 included an authorization to charge all required fees, the one-month extension of time was not charged to counsel's deposit account as authorized. The necessary one-month extension of time will be so charged.

In view of the above, no abandonment exists. Since the petition under 37 CFR 1.137(b) is unnecessary, the petition fee will **not** been charged to counsel's deposit account as authorized.

The application is being referred to Technology Center AU 2189, for further processing of the RCE under 37 CFR 1.114 filed February 23, 2007.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

27 APR 2004

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COGNIS CORPORATION
PATENT DEPARTMENT
300 BROOKSIDE AVENUE
AMBLER, PA 19002

In re Application of HENRY et. Serial No.: 10/478,733 PCT No.: PCT/EP02/05201 Int. Filing Date: 11 May 2002 Priority Date: 21 May 2001 Attorney's Docket No.: C 2152 PCT/US For: COSMETIC AGENTS	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 02 December 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 $920 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. The $130 surcharge for filing the oath or declaration and the $130 processing fee for filing the English translation of the international application after the thirty month period will be charged to applicants' deposit account per their authorization. The 35 U.S.C. 371(c)(1),(c)(2) and (c)(4) date is **02 December 2003.**

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
Office of Patent Cooperation Treaty
Legal Administration Office

Telephone: (703) 306-5467
Facsimile : (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Pepper Hamilton LLP
400 Berwyn Park
899 Cassatt Road
Berwyn PA 19312-1183

COPY MAILED
DEC 22 2009
OFFICE OF PETITIONS

In re Patent No. 7,592,012	: ON REQUEST FOR
Weiner	: RECONSIDERATION OF
Issue Date: September 22, 2009	: PATENT TERM ADJUSTMENT
Application No. 10/478,741	: and
Filed: May 11, 2004	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. 130694.07001	: CERTIFICATE OF CORRECTION

This is in response to the "APPLICATION FOR CONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR §1.702," filed September 23, 2009. In effect, patentee requests that the patent term adjustment determination for the above-identified patent be changed from seven hundred thirty-two (732) days to at least nine hundred (900) days.

The request for reconsideration of patent term adjustment is **GRANTED** to the extent indicated herein.

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 **eight hundred ninety-nine (899) days**.

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

On September 22, 2009, the above-identified application matured into U.S. Patent No. 7,592,012 with a revised patent term adjustment of 732 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 1.705(d). The 732-day patent term adjustment includes a period of adjustment of 310 days

pursuant to 37 CFR 1.702(b) for the Office taking in excess of three years to issue the patent. Patentee disputes the calculation of this 310-day period.

Patentee argues that the period of adjustment for Office failure to issue the patent within three years is 478 days, not 310 days. Patentee argues that the Office incorrectly utilized the 371 completion date, May 11, 2004, in calculating the Three Year Delay period. The Office agrees with this assertion. Patentee argues that the over three year delay will, in this instance, be calculated based on the application commencement date. See 35 U.S.C. 371(b) and (f). However, Patentee references November 24, 2003 as the date upon which the 37 CFR 1.702(b) calculation is to be made. See p.2, petition. The reference to this date is incorrect. While applicant requested early processing, applicant did not satisfy the requirements under 35 U.S.C. 371(c) before 30 months. Therefore, commencement is 30 months from the earliest claimed priority date, May 25, 2001. The commencement date is November 25, 2003. In view thereof, the period of adjustment for Office failure to issue the patent within three years is 477 days, counting the number of days beginning on November 26, 2006 and ending on September 22, 2009, minus the period of overlap of 555 days for Office delay during the pendency of the application.

As such, patentee is entitled to a patent term adjustment of 899 days (555 days examination delay + 477 days Three Year delay - 133 days for applicant delay).

Accordingly, 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 **eight hundred ninety-nine (899) days**.

Pursuant to patentee's authorization, the $200.00 fee set forth in 37 CFR 1.18(e) will be charged to deposit account no. 50-0436. No additional fees are required.

The Certificates of Correction Branch has been advised of this decision. The application is, therefore, 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 adjusted by eight hundred ninety-nine (899) days.

Telephone inquiries specific to this matter should be directed to Shirene Willis Brantley, Senior Petitions Attorney, at (571) 272-3230.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,592,012

DATED : **September 22, 2009** **DRAFT**

INVENTOR(S) : Weiner

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 732 days

Delete the phrase "by 732 days" and insert – by 899 days--

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

Pepper Hamilton LLP
400 Berwyn Park
899 Cassatt Road
Berwyn, PA 19312-1183

Mail Date: 04/21/2010

Applicant	: David B. Weiner	: DECISION ON REQUEST FOR
Patent Number	: 7592012	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/478,741	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1568** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARK DELUCA, ESQ.
PEPPER HAMILTON LLP
400 BERWYN PARK
899 CASSATT ROAD
BERWYN PA 19312

COPY MAILED

NOV 1 0 2008

OFFICE OF PETITIONS

In re Application of :
David B. WEINER, et al :
Application No. 10/478,742 : ON PETITION
Filed: August 2, 2004 :
Attorney Docket No. UPVG0014-100 :

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 **DISMISSED**.

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 September 12, 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 (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 (see attached Advisory Action), 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 Diane Goodwyn at (571) 272-6735.

Thurman Page
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/478,742	WEINER ET AL.	
	Examiner	Art Unit	
	BO PENG	1648	

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

THE REPLY FILED 25 June 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 _____months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☒ Newly proposed or amended claim(s) *1-8* 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: _____.

/BO PENG/
Examiner, Art Unit: 1648

Continuation of 5. Applicant's reply has overcome the following rejection(s): The rejection of Claims 11-17 inder 103 is moot in view of the cancellation of the claims.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

www.uspto.gov

MARK DELUCA, ESQ.
PEPPER HAMILTON LLP
400 BERWYN PARK,
899 CASSATT ROAD
BERWYN PA 19312

MAILED

FEB 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
David B. WEINER, et al	:	
Application No. 10/478,742	:	ON PETITION
Filed: August 2, 2004	:	
Attorney Docket No. UPVG0014-100	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 12, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is December 13, 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) the required statement of unintentional delay have been received.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 1648 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date	: 12/18/2009
Patent No.	: 7,625,751 B2
Serial No.	: 10/478,743
Inventor(s)	: Weiner et al.
Issue Date	: December 1, 2009
Title	: **WNV CORE PROTEIN/CAPSID INTERACTING PROTEIN AND USES OF THE SAME**
Doc./File No.	: **130694.07101**

Re: Reconsideration for Certificate of Correction

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

Respecting the alleged error in request, column 19, claim 5, line 23, is/are printed in accordance with the record in the office. No amendments or requests were made prior to the payment of the issue fee to support your claim for a certificate of correction. No correction is in order here.

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

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch with the appropriate fee of $100.00 if necessary.

Ernest C. White, *LIE* (703) 756-1590
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch

Pepper Hamilton LLP
400 Berwyn Park
899 Cassatt Road
Berwyn PA 19312-1183

ecw

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

Pepper Hamilton LLP
400 Berwyn Park
899 Cassatt Road
Berwyn, PA 19312-1183

Mail Date: 04/22/2010

Applicant	: David B. Weiner	: DECISION ON REQUEST FOR
Patent Number	: 7625751	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/478,743	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/09/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1040** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED
APR 23 2007
OFFICE OF PETITIONS

NEXSEN PRUET ADAMS KLEEMEIER, LLC
P.O. DRAWER 2426
COLUMBIA, SC 29202-2426

In re Application of	:	
Jean Gobet et al	:	
Application No. 10/478,749	:	ON PETITION
Filed: November 24, 2003	:	
Attorney Docket No. GLN-039US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 8, 2006, to revive the above-identified application.

The petition is **GRANTED**.

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

This matter is being referred to Technology Center AU 1753 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Hugh R. Kress
Browning Bushman P.C.
5718 Westheimer, Suite 1800
Houston, TX 77057

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
10/478,749	11/24/2003	Jean Gobet	GLN-039US

CONFIRMATION NO. 8832

OC000000023497758

OC000000023497758

44443
NEXSEN PRUET ADAMS KLEEMEIER, LLC
PO DRAWER 2426
COLUMBIA, SC 29202-2426

Date Mailed: 04/23/2007

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
ATTORNEY/APPLICANT COPY

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
10/478,749	11/24/2003	Jean Gobet	GLN-039US

CONFIRMATION NO. 8832

OC000000023497756

OC000000023497756

34617
HUGH R. KRESS; ARNOLD & FERRERA L.L.P.
2401 FOUNTAINVIEW
SUITE 630
HOUSTON, TX 77057

Date Mailed: 04/23/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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

- 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

RECEIVED
CENTRAL FAX CENTER
JUL 2 7 2005

8-1-05

Docket No. INFZI-002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert Aigner et al.
Application No.: 10/478,751 Group No.: 1763
Filed: June 8, 2004 Examiner: Allan W. Olsen
For: METHOD FOR PRODUCING A LAYER WITH A PREDEFINED LAYER THICKNESS PROFILE

VIA FACSIMILE - (571) 273-8300
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d) and MPEP 708.02(VIII)

(A) Applicants hereby petitions to make this application special. In accordance with 37 C.F.R. §1.17(h), **please charge the fee of $130.00 to Deposit Account No. 50-0574. If any additional fees are required, please also charge to Deposit Account No. 50-0574.**

(B) All of the pending claims are directed to a single invention.

(C) A European Patent Office (EPO) search has been made, and copies of each reference D1 to D10 (listed below) and deemed most closely related to the subject matter encompassed by the claims have been submitted to the US Patent and Trademark Office (USPTO) and made of record:

D1: US 5,587,620
D2: EP 0 771 070
D3: US 5,266,529
D4: JP 60-042832
D5: JP 61-137327
D6: US 4,457,803
D7: JP 04-196610
D8: US 4,075,452
D9: JP 07-073834
D10: EP 1 258 990

RECEIVED
OIPE/IAP
JUL 2 8 2005

Applicants assert that Claim 1 in the related EP case is of the same or similar scope to pending Claim 1 in the present application, and the Assignee currently understands the European Examiner considers the subject matter of the EP case as being novel and inventive with regard to documents D1 to D9. Furthermore, as outlined below, the Assignee considers the subject matter of the present application as being novel with regard to document D10 (in Europe document D10 is only relevant with regard to novelty). Accordingly, the Assignee considers the subject matter of the present application as being allowable in Europe.

(D) Copies of each reference D1 to D10 (listed above) have been submitted to the USPTO and made of record.

(E) A detailed discussion of the prior art references pointing out how the claimed subject matter is patentable over the references is provided on the following pages:

RFEKABU1 00000034 500574 10478751
130.00 DA

PAGE 1/13 * RCVD AT 7/27/2005 7:14:09 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:4409154509 * DURATION (mm-ss):09-34

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700 AUG 1 1 2005

27 AUG 2004

#7

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PIPER RUDNICK LLP
1200 NINETEENTH STREET, N.W.
WASHINGTON, DC 20036-2412

In re Application of COHEN et al. Serial No.: 10/478,753 PCT No.: PCT/US02/15965 Int. Filing Date: 21 May 2002 Priority Date: 21 May 2001 Attorney's Docket No.: 10784-037 For: TSG101 AS INHIBITOR OF HIV PRODUCTION	DECISION ON PETITION

This is a decision on applicant's "Filing of Declaration" filed in the United States Patent and Trademark Office on 25 June 2004, in response to a Notification of Missing Requirements. Applicant requests a one month extension of time, which is granted.

On 02 April 2004, 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) and executed in accord with 37 CFR 1.66 or 1.68, was required.

On 25 June 2004, applicant filed a declaration executed by the inventors. The declaration contains duplicate page 3s. One page 3 is executed by Arthur Goff and Lorna Ehrlich; the second page 3 is executed by Stanley N. Cohen.

Section 201.03 of the MPEP states, in pertinent part,:

> An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. <u>Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.</u> For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

(Emphasis added.)

The declaration submitted contained two duplicate page 3 signature pages. Each page is signed by different inventors and combined into one declaration. The declaration is not properly

executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or the inventors were presented with an incomplete declaration. What is required is one declaration where all inventors have signed or separate complete declarations. Thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met and the declaration is unacceptable as filed.

The application will be held in the PCT Legal Office to await applicant's reply.

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
Facsimile: (703) 308-6459

20 APR 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

#9

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

PIPER RUDNICK LLP
1200 NINETEENTH STREET, N.W.
WASHINGTON, DC 20036-2412

In re Application of CARTER et al. Serial No.: 10/478,753 PCT No.: PCT/US02/15965 Int. Filing Date: 21 May 2002 Priority Date: 21 May 2001 Attorney's Docket No.: 10784-037 For: TSG101 AS INHIBITOR OF HIV PRODUCTION	DECISION ON PETITION

This is a decision on applicant's "Filing of Declaration under 37 CFR 1.53(f)" filed in the United States Patent and Trademark Office on 09 March 2005.

On 25 June 2004, applicant filed a declaration executed by the inventors. In a decision mailed on 27 August 2004, applicant was advised that the declaration contained duplicate Page 3s and was unacceptable. One "Page 3" of the declaration was executed by Arthur Goff and Lorna Ehrlich; the second "Page 3" was executed by Stanley N. Cohen. Applicant's attention was directed to MPEP Section 201.03 for guidance and submission of a new declaration.

On 09 March 2005, applicant submitted two declarations, composed of pages from the previously submitted declaration. One declaration contains a "Page 1", two "Page 2" (one of which was faxed and executed) and a "Page 3"(a facsimile which is signed by the second and third inventors) . The second declaration contains "Page 1", "Page 2" and two "Page 3"s (one of which is a facsimile signed by the fourth inventor).

The declarations are not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or the inventors were presented with an incomplete declarations. What is required is one newly executed declaration where all inventors have signed or separate complete declarations. Thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met and the declaration is unacceptable as filed.

Applicant has **TWO** months from the mail date of this decision within which to respond.

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

06 JUL 2005

#10

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PIPER RUDNICK LLP
1200 NINETEENTH STREET, N.W.
WASHINGTON, DC 20036-2412

In re Application of CARTER et al. Serial No.: 10/478,753 PCT No.: PCT/US02/15965 Int. Filing Date: 21 May 2002 Priority Date: 21 May 2001 Attorney's Docket No.: 5398-016-27NATL For: TSG101 AS INHIBITOR OF HIV PRODUCTION	DECISION ON PETITION

This is a decision on applicant's "Filing of Declaration under 37 CFR 1.53(f)" filed in the United States Patent and Trademark Office on 16 May 2005.

On 25 June 2004, applicant filed a declaration executed by the inventors. In a decision mailed on 27 August 2004, applicant was advised that the declaration contained duplicate Page 3s and was unacceptable. One "Page 3" of the declaration was executed by Arthur Goff and Lorna Ehrlich; the second "Page 3" was executed by Stanley N. Cohen. Applicant's attention was directed to MPEP Section 201.03 for guidance and submission of a new declaration.

On 09 March 2005, applicant submitted two declarations, composed of pages from the previously submitted declaration. One declaration contained a "Page 1", two "Page 2" (one of which was faxed and executed) and a "Page 3"(a facsimile which is signed by the second and third inventors) . The second declaration contained "Page 1", "Page 2" and two "Page 3"s (one of which is a facsimile signed by the fourth inventor). In a decision mailed on 20 April 2005, applicant was advised that the declarations were not properly executed. It appeared that either the attorney pieced together separate complete declarations into one composite declaration or the inventors were presented with an incomplete declarations. What was required is one newly executed declaration where all inventors have signed or separate complete declarations.

On 16 May 2005, applicant submitted newly executed declarations where all inventors signed, separate complete declarations. Thus, the requirements of 37 CFR 1.497 (a) and (b) have now been met and the declarations are acceptable as filed.

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 16 May 2005.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

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

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

Mail Date: 05/06/2010

Applicant	: John Houldsworth	: DECISION ON REQUEST FOR
Patent Number	: 7615966	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/478,757	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/14/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **453** 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 MAR 2005

UNITED STATES PATENT and TRADEMARK OFFICE

Rec'd PCT/PTO 24 NOV 2003 #3

10/478761

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

Vinay K. Sharma
Schwegman, Lundberg, Woessner
& Kluh, P.A.
P.O. Box 2938
Minneapolis, MN 55402

In re Application of	DECISION ON
Vinay K. Sharma	
Application No.: 10/478,761	
PCT No.: PCT/US97/20851	PETITION UNDER
Int. Filing Date: 05 November 1997	
Priority Date: 06 November 1996	37 CFR 1.137(b)
Attorney's Docket No.: 535.003US2	
For: DELAYED DELIVERY SYSTEM	
FOR ACID-SENSITIVE DRUGS	

This is in response to "Petition To Revive" filed on 24 November 2003.

Applicants' petition under 37 CFR 1.137(b) filed 24 November 2003 to revive international application PCT/US97/20851 abandoned under 35 U.S.C. 371(d) is hereby **GRANTED** as to the National stage in the United States of America as follows:

On 02 June 1998, a Demand electing the United States was filed in this international application. International application PCT/US97/20851 became abandoned as to the United States of America at midnight on 06 May 1999 for failure to pay the basic national fee. The filing of the present continuing application under 35 U.S.C. 111 is accepted as the appropriate response under 37 CFR 1.137(b) (See MPEP § 711.03(c)).

International application PCT/US97/20851 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 10/478,761.

This application is being forward to Office Initial Patent Examination (OIPE) for continued processing.

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

Rec'd PCT/PTO 24 NOV 2003
10/478761

Bacares, Rafael

From: Pct.Infoline [pct.infoline@wipo.int]
Sent: Tuesday, March 01, 2005 3:28 AM
To: Bacares, Rafael
Subject: Re: PCT/US97/20851

Dear Rafael Bacares,

The Demand was timely filed on 2 June 1998 and US was designated and elected.

With kind regards,

Mirjam Cavalleri
PCT Information Service Coordinator
PCT Information Services Section
PCT Legal Division

>>> "Bacares, Rafael" <Rafael.Bacares@USPTO.GOV> 02/26/05 08:41PM >>>
Hi

Was a Demand timely filed for PCT/US97/20851and was the US designated?

Thank you,
Rafael Bacares
Legal Examiner
PCT Legal Administration

13 JUL 2004

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Fleshner & Kim LLP
P.O. Box 221200
Chantilly, VA 20153-1200

In re Application of CHOA	:	
U.S. Application No.: 10/478,778	:	
PCT Application No.: PCT/US02/04867	:	
Int. Filing Date: 20 February 2002	:	
Priority Date Claimed: 20 February 2001	:	DECISION
Attorney Docket No.: UMBC-0005US	:	
For: MULTIPLE QUANTUM WELL BROAD	:	
SPECTRUM GAIN MEDIUM AND	:	
METHOD FOR FORMING SAME	:	

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 26 November 2003.

BACKGROUND

On 20 February 2002, applicant filed international application PCT/US02/04867, which claimed priority of an earlier United States application filed 20 February 2001. The thirty-month period for paying the basic national fee in the United States expired on 20 August 2003.

International application PCT/US02/04867 became abandoned as to the United States for failure to timely pay the basic national fee.

On 26 November 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 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 United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

28 JUL 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

GLENN PATENT GROUP
3475 Edison Way, Ste. L
Menlo Park, CA 94025

In re Application of
ARORA, Tejkumar
U.S. Application No.: 10/478,876
PCT No.: PCT/US01/17380
Int. Filing Date: 29 May 2001
Priority Date: None
Attorney's Docket No.: NETS0077
For: CUSTOMIZATION OF ERROR HANDLING BASED ON TYPE OF USER AGENT

DECISION

The decision is in response to applicant's "Petition Based Upon Unavailability of Inventor (37 CFR §1.47/MPEP 409.03)" ("Pet.") filed on 17 May 2004. This is treated as a petition under 37 CFR 1.47(b).

BACKGROUND

On 18 March 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee pursuant to 37 CFR 1.492(e) was required. Petitioner was given two-months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 17 May 2004, the 37 CFR 1.47(b) applicant submitted the instant petition which was accompanied by, *inter alia*, a copy of an internet search, a copy of a Federal Express letter, and authorization to charge all fees to Deposit Account No. 07-1445.

DISCUSSION

Petitioner claims that the sole inventor of the above-captioned application, Mr. Tejkumar Arora, could not been located after "[d]iligent efforts have been used to reach the inventor." Pet. at ¶ 5. Filing under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted when no inventor is available to make the application. These provisions allow a "person" with a demonstrated proprietary interest to make application "on behalf of and as agent for" an inventor who "cannot be found or reached after diligent effort" or who refuses to sign the application oath or declaration. *See* §409.03(b) MPEP.

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor cannot be reached after diligent effort or

refuses to cooperate, (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.

The appropriate petition fee has been charged to Deposit Account No. 07-1445 as authorized.

The last known address of the sole inventor is listed in the petition as:

1072 W. McKinley Avenue,
Sunnyvale CA 94086

With regard to item (6), section 409.03(g) of the MPEP states that "[i]rreparable damage may be established by a showing (a statement) that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage."

In this case, the petition included the statement that "[t]his action is necessary to prevent irreparable damage and to preserve the rights of the parties." Id. at ¶ 7.

Thus, items (1), (3) and (6) of 37 CFR 1.47(b) are satisfied.

Concerning item (2), section 409.03(d) of the MPEP discusses the situation where an inventor cannot be reached and states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made . . .
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included [*in the*] statement of facts. It is important that the statement contain facts as opposed to conclusions.

Here, the 37 CFR 1.47(a) applicant claims that a copy of the above-captioned application was sent to the last known address of the sole inventor via Federal Express. Id. at ¶ 2. A copy of the front of the FedEx letter was included in the instant

petition. Petitioner also claims that a "Yahoo People Search Internet search was conducted on September 25, 2003, did not provide contact information for Mr. Arora." Id. at ¶ 3. A copy of the Yahoo searches were included in the instant petition showing no results. Finally, petitioner states that "Jessica Pallach, a paralegal at the Glenn Patent law firm, called telephone information (411) on 9/25/2003 and no listing was found for Mr. Arora by the telephone operator. Id. at ¶ 4.

This insufficient. The 37 CFR 1.47(b) applicant must provide a statement of facts by a person having firsthand knowledge of the facts recited therein as required. Statements based on hearsay will not normally be accepted. In this case, a declaration by Ms. Pallach would be required. For this reason, item (2) is not satisfied.

Regarding item (4), the 37 CFR 1.47(b) applicant has not provided an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor. As such, item (4) is not satisfied.

Finally, section 409.03(f) of the MPEP discusses the proof required to show the requisite proprietary interest required by item (5) of 37 CFR 1.47(b) and 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:
>
> (A) the invention has been assigned to the applicant, or
> (B) the inventor has agreed in writing to assign the invention to the applicant, or
> (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application. . . .

Here, the 37 CFR 1.47(b) applicant has not provided any evidence of proprietary interest with the instant petition. Thus item (5) is also not satisfied.

The 37 CFR 1.47(b) applicant failed to meet items (2), (4) and (5). Hence, it is not appropriate to accept this application under 37 CFR 1.47(b) at this time.

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. 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 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

25 OCT 2004

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GLENN PATENT GROUP
3475 Edison Way, Ste. L
Menlo Park, CA 94025

In re Application of ARORA, Tejkumar U.S. Application No.: 10/478,876 PCT No.: PCT/US01/17380 Int. Filing Date: 29 May 2001 Priority Date: None Attorney's Docket No.: NETS0077 For: CUSTOMIZATION OF ERROR HANDLING BASED ON TYPE OF USER AGENT	:	**DECISION**

The decision is in response to applicant's "Response to Decision to Dismiss Petition of Unavailability of Inventor" filed on 28 September 2004. This is treated as a renewed petition under 37 CFR 1.47(b).

BACKGROUND

On 28 July 2004, a decision dismissing applicant's petition under 37 CFR 1.47(b) was mailed. Applicant was given two-months to respond with extensions of time available under 37 CFR 1.136(a).

On 28 September 2004, applicant filed the instant renewed petition which was accompanied by, *inter alia*, a declaration executed by the sole inventor.

DISCUSSION

The 37 CFR 1.47(b) has submitted a declaration executed by the sole inventor which is in compliance with 37 CFR 1.497(a) and (b).

No further response is required.

DECISION

The petition filed under 37 CFR 1.47(b) is dismissed as **MOOT**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 29 May 2001, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 28 September 2004.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

31 DEC 2003

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dennis P. Clarke
Miles & Stockbridge
Suite 500
1751 Pinnacle Drive
McLean, VA 22102-3833

In re Application of
ABDEL-HADI et al.
U.S. Serial No.: 10/478,793
PCT Application No.: PCT/US02/08302
Int. Filing Date: 20 March 2002
Priority Date: 20 March 2001
Attorney Docket No.: T2315-802705
For: ENHANCED TRIAXIAL TESTER WITH VOLUME CHANGE DEVICE FOR MEASUREMENT OF FLOW PROPERTIES OF DRY COHESIVE PARTICULATE SYSTEMS UNDER LOW CONFINING PRESSURES

DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

This is in response to applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) filed on 26 November 2003 in the above referenced application.

On 26 November 2003, applicant filed a Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b) (Form PTO/SB/64/PCT) without a proper reply; that is, without a request for entry into the U.S. national stage under 35 U.S.C. 371 and without submission of any of the requirements under 35 U.S.C. 371 including the basic national fee.

The petition to revive under 37 CFR 1.137(b) is **DISMISSED WITHOUT PREJUDICE**. The application remains **ABANDONED**.

Any request for reconsideration on the merits of this decision must be filed within TWO (2) MONTHS from the mail date of this decision.

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

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (703) 306-5467

DT20 Rec'd PCT/PTO 01 MAR 2004

#4

BOX PCT
Attorney Docket No.: T2315-802705

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)
ABDEL-HADI, Ali Ismail et al.	)
Intl. Application No.: PCT/US02/08302	)
Intl. Filing Date: 20 March 2002	)
For: ENHANCED TRIAXIAL TESTER	)
WITH VOLUME CHANGER DEVICE	)
FOR MEASUREMENT OF FLOW	)
PROPERTIES OF DRY COHESIVE	)
PARTICULATE SYSTEMS UNDER LOW	)
CONFINING PRESSURES	)

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(B)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Mailstop PCT, PCT Legal Office

Sir:

Applicants respectfully request reconsideration of the Decision dated December 31, 2003 dismissing applicants' Petition to Revive the above-captioned application under 37 CFR 1.137(b). That decision stated that the Petition did not include a "proper reply", i.e., "request for entry into U.S. national stage---and---requirements under 35 USC 371.

Applicants submit herewith the said Request for Entry Into U.S. National Stage with the appropriate requirements designated by 35 USC 371.

Accordingly, reconsideration of the prior Decision of Dismissal with a view toward a granting of the Petition to Revive is respectfully requested.

Respectfully submitted,

MILES & STOCKBRIDGE P.C.

Dennis P. Clarke
Reg. No. 22,549

MILES & STOCKBRIDGE P.C.
1751 Pinnacle Drive, Suite 500
McLean, Virginia 22102
Telephone (703) 903-9000

14 MAY 2004

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dennis P. Clarke
Miles & Stockbridge
Suite 500
1751 Pinnacle Drive
McLean, VA 22102-3833

In re Application of ABDEL-HADI et al. U.S. Serial No.: 10/478,793 PCT Application No.: PCT/US02/08302 Int. Filing Date: 20 March 2002 Priority Date: 20 March 2001 Attorney Docket No.: T2315-802705 For: ENHANCED TRIAXIAL TESTER WITH VOLUME CHANGE DEVICE FOR MEASUREMENT OF FLOW PROPERTIES OF DRY COHESIVE PARTICULATE SYSTEMS UNDER LOW CONFINING PRESSURES	DECISION ON RENEWED PETITION TO REVIVE UNDER 37 CFR 1.137(b)

This is in response to applicants' "Request for Reconsideration of Decision on Petition to Revive Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) filed on 01 March 2004 in the above referenced application.

On 26 November 2003, applicant filed a Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b) (Form PTO/SB/64/PCT). On 31 December 2003, applicant's petition was dismissed indicating that applicant filed the petition without the proper reply; that is, without a request for entry into the U.S. national stage under 35 U.S.C. 371 and without submission of any of the requirements under 35 U.S.C. 371 including the basic national fee.

On 01 March 2004, applicant filed a request for Entry into the U.S. National Stage with authorization to charge the basic national fee to applicant's deposit account. With the payment of the basic national fee of $365 the proper reply has been provided. 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). The required petition fee of $665 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 issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497, and the $65 surcharge for filing the oath or declaration after the thirty month period is required.

Cynthia M. Kratz

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

Patent No. : 7,457,361 B2
Serial No. : 10/478,801
Inventor(s) : Zhu et al.
Issued : November 25, 2008
Title : **A BLOCK MOTION ESTIMATION METHOD**
Docket No. : **033946-0601**

Re: Request for Reconsideration

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.

A petition under 37 CFR 3.81 must be filed and granted to fulfill your request, to date, there is no petition on record to consider your request.

Furthermore, Assignees' and/ or Co-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, which requires petition 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 B and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.
Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

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

If, the petition under 37 CFR 1.182 (required fee currently $130), is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100), which has been received.

Ernest C. White, *LIE*
For Mary F. Diggs (703) 308-9390 x 125
Decisions & Certificates
of Correction Branch
(703) **308-9390 x 122**

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

ecw

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

DEC 1 1 2009

OFFICE OF PETITIONS

FOLEY & LARDNER LLP
PO BOX 80278
SAN DIEGO CA 92138-0278

In re Patent No. 7,457,361	:	
Issue Date: November 25, 2008	:	
Filed: November 25, 2003	:	DECISION ON PETITION
Application No. 10/478,801	:	
	:	

This is a decision on the "PETITION TO CORRECT NAME OF ASSIGNEE ON AN ISSUED PATENT UNDER 37 C.F.R. 1.183", filed May 14, 2009.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.[1] However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

(A) the processing fee required by 37 CFR 1.17(i);

(B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

---

[1] See 37 CFR 3.81.

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).[2]

Receipt of the $130 processing fee set forth in 37 CFR 1.17(i) and the $100 fee for the Certificate of Correction set forth in 37 CFR 1.20(a), is acknowledged.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

[2] MPEP 307.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

COPY MAILED

JAN 04 2007

OFFICE OF PETITIONS

In re Application of	:	
John W. Erickson, et al.	:	
Application No. 10/478,811	:	DECISION ON PETITION
Filed: May 31, 2002	:	TO WITHDRAW
Attorney Docket No. 500862003500	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed October 12, 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 Michael R. Ward on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

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

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must

have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There is an outstanding Office action mailed August 24, 2006 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN W. ERICKSON
5406 JEFFERSON BLVD.
FREDRICK, MD 21703

cc: ADRIANE M. ANTLER, PH.D.
JONES DAY
222 E. 41ST STREET
NEW YORK, NY 10017-6702

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
10/478,811	12/10/2003	John W. Erickson	500862003500

CONFIRMATION NO. 6347

OC000000021801836

OC000000021801836

20872
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

Date Mailed: 01/03/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/12/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jean M. Macheledt
501 Skysail Lane
Suite B100
Fort Collins, CO 80525-3133

COPY MAILED

FEB 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Kenneth F. Reardon et al.	:	
Application No. 10/478,822	:	DECISION ON PETITION
Filed: November 21, 2003	:	TO WITHDRAW
Attorney Docket No. 469987	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 18, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Jean M. Macheledt has been revoked by the assignee of the patent application on August 17, 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: **Lathrop & Gage LC**
4845 Pearl East Circle
Suite 300
Boulder, CO 80301

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

MAY 12 2010

OFFICE OF PETITIONS

In re Patent No. 7,587,914
Issued: September 15, 2009
Application No. 10/478,835
Filed: August 31, 2004
Attorney Docket No. 09877.0276

: DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the DETERMINATION OF PATENT TERM ADJUSTMENT - POST GRANT filed on November 6, 2009, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 605 days to 994 days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred ninety-three (993) days is **GRANTED to the extent indicated herein**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on September 1, 2007 and ends on September 22, 2008, the day before the RCE was filed, and is 388 (not 389) days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 993, not 994 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 application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred ninety-three (993)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,587,914 B2

DATED : September 15, 2009

INVENTOR(S) : Giacomo Stefano Roba

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 (605) days

Delete the phrase "by 605 days" and insert – by 993 days--

09 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK, NY 10110

In re Application of	:	
ESKELUND, Mads Bjørnvad	:	
Application No.: 10/478,840	:	
PCT No.: PCT/DK02/00315	:	
Int. Filing Date: 14 May 2002	:	DECISION
Priority Date: 14 May 2001	:	
Attorney's Docket No.: 10171.204-US	:	
For: DETERGENT COMPOSITIONS	:	
COMPRISING BACILLUS SUBTILIS	:	
PECTATE LYASES	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 14 May 2002, applicants filed international application PCT/DK02/00315, which claimed a priority date of 14 May 2001. A copy of the international application was transmitted to the Office by the International Bureau on 21 November 2002. The deadline for entry into the national stage in the United States was 14 November 2003.

On 25 November 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 04 February 2004, applicants submitted an executed declaration.

DISCUSSION

Applicants' submission for entry into the national stage in the United States was filed later than thirty months from the priority date. PCT/DK02/00315 went abandoned at midnight on 14 November 2003 for failure to timely pay the basic national fee.

Applicants' declaration contains an indication that a joint inventor is deceased. The declaration has not been treated as a request for status under 37 CFR 1.42, as the application is abandoned. However, it is noted that the 04 February 2004 declaration does not comply with 37 CFR 1.497(a)-(b). The declaration lists inventor "Mads Eskelund Bjørnvad," but the international application lists "Mads Bjørnvad Eskelund." 37 CFR 1.497(a)(3). Additionally, the declaration lists Torben Henriksen as legal representative for deceased inventor Martin Schülein, but does not list his residence and mailing address. 37 CFR 1.497(b)(2).

CONCLUSION

For the above reasons, the application remains abandoned.

Any reconsideration of this decision must be filed 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.

Boris Milef
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

16 NOV 2004

#9

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK, NY 10110

In re Application of BJØRNVAD, Mads Eskelund Application No.: 10/478,840 PCT No.: PCT/DK02/00315 Int. Filing Date: 14 May 2002 Priority Date: 14 May 2001 Attorney's Docket No.: 10171.204-US For: DETERGENT COMPOSITIONS COMPRISING BACILLUS SUBTILIS PECTATE LYASES	DECISION ON PETITION UNDER 37 CFR 1.137(b) AND REQUEST UNDER 37 CFR 1.42

This decision is in response to applicants' "Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the United States Patent and Trademark Office on 01 October 2004.

BACKGROUND

On 14 May 2002, applicants filed international application PCT/DK02/00315, which claimed a priority date of 14 May 2001. A copy of the international application was transmitted to the Office by the International Bureau on 21 November 2002. The deadline for entry into the national stage in the United States was 14 November 2003.

On 25 November 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 04 February 2004, applicants submitted an executed declaration.

On 09 September 2004, the Office mailed Decision dismissing applicants' submission for entry into the national stage in the US as untimely.

On 01 October 2004, applicants submitted a petition to revive.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicants state that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The petition fee and basic national fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995.

Applicants state that the declaration submitted on 04 February 2004 listing the first inventor as Mads Eskelund Bjørnvad is correct and the Request that listed the inventor as Mads Bjørnvad Eskelund was in error. This error can be corrected with a petition under 37 CFR 1.182. The petition should include the fee and a statement from the inventor explaining that the inventor is one and the same inventor listed on the international application, indicate which name is correct and state that the error occurred without deceptive intention on the inventor's part. In the event that the declaration listed the incorrect name, a new declaration in compliance with 37 CFR 1.497(a)-(b) would be required.

Applicants' declaration contains an indication that a joint inventor is deceased. The declaration has been treated as a request for status under 37 CFR 1.42. The declaration lists Torben Henriksen as legal representative for deceased inventor Martin Schülein, but does not list his residence and mailing address. 37 CFR 1.497(b)(2). As such the 04 February 2004 declaration does not comply with 37 CFR 1.497(a)-(b). The deficiency in the declaration may not be cured through use of an application data sheet. 37 CFR 1.497(b).

CONCLUSION

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

Applicants' rèquest for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

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

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

08 JUL 2005
UNITED STATES PATENT AND TRADEMARK OFFICE

#11

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

NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK, NY 10110

In re Application of	:	
BJØRNVAD, Mads Eskelund	:	DECISION ON
Application No.: 10/478,840	:	
PCT No.: PCT/DK02/00315	:	PETITION
Int. Filing Date: 14 May 2002	:	
Priority Date: 14 May 2001	:	UNDER 37 CFR 1.182 AND
Attorney's Docket No.: 10171.204-US	:	
For: DETERGENT COMPOSITIONS	:	REQUEST
COMPRISING BACILLUS SUBTILIS	:	
PECTATE LYASES	:	UNDER 37 CFR 1.42

This decision is in response to applicants' "Renewed Submission Under 37 CFR 1.42," and "Petition Under 37 CFR 1.182," filed in the United States Patent and Trademark Office on 18 March 2005.

BACKGROUND

On 14 May 2002, applicants filed international application PCT/DK02/00315, which claimed a priority date of 14 May 2001. A copy of the international application was transmitted to the Office by the International Bureau on 21 November 2002. The deadline for entry into the national stage in the United States was 14 November 2003.

On 25 November 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 04 February 2004, applicants submitted an executed declaration.

On 09 September 2004, the Office mailed Decision dismissing applicants' submission for entry into the national stage in the US as untimely.

On 01 October 2004, applicants submitted a petition to revive.

On 16 November 2004, the Office mailed a petition decision, reviving the international application, but refusing the request for status under 27 CFR 1.42.

On 18 March 2005, applicants submitted the instant petitions, accompanied by the fee for a two month extension of time and a certificate of first class mailing, indicating the submission was deposited on 16 March 2005.

DISCUSSION

Applicants state that the first inventor is Mads Eskelund Bjørnvad and that the Request listing the first inventor as Mads Bjørnvad Eskelund was in error. Applicants have supplied a statement from inventor Bjørnvad to this effect and the petition fee.

Applicants' have supplied a supplemental declaration listing the inventors and their citizenships and the legal representative and his residence, mailing address and citizenship. This declaration and the 04 February 2004 declaration, in combination, satisfy the requirements of 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 is **GRANTED**. Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The application has an international filing date of 14 May 2002 under 35 U.S.C. §363 and a date of 18 March 2005 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.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 29 2009

OFFICE OF PETITIONS

NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK, NY 10110

In re Application of
Mads Eskelund Bjoernvad et al
Application No. 10/478,840
Filed: March 18, 2005
Attorney Docket No. 10171.204-US

ON PETITION

This is a decision on the petition filed August 10, 2009 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed May 6, 2009, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 7, 2009.

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

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

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK, NY 10110

Mail Date: 04/20/2010

Applicant	: Mads Eskelund Bjoernvad	: DECISION ON REQUEST FOR
Patent Number	: 7611882	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/478,840	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **143** 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.

25 MAY 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

Raja Saliba
SUGHRUE MION, P.L.L.C.
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037-3213

In re Application of	:	
Pascal BRUNA	:	
Application No.: 10/478,848	:	DECISION ON
PCT No.: PCT/FR02/01329	:	PETITION
Int. Filing Date: 17 April 2002	:	UNDER 37 CFR 1.137(b)
Priority Date: 24 April 2001	:	
Attorney Docket No.: Q78436	:	
For: DEVICE FOR NASAL OR ORAL	:	
SPRAYING OF A FLUID OR	:	
POWDERY PRODUCT	:	

The petition to revive under 37 CFR 1.137(b) filed 25 November 2003 in the above-captioned application is hereby **GRANTED** as follows:

On 17 April 2002, applicant filed international application PCT/FR02/01329, which claimed priority of an earlier French application filed 24 April 2001. The application became abandoned as to the national stage in the United States because the basic national fee was not paid to the USPTO prior to the 30 months statutory time period, which expired at midnight on 24 October 2003.

On 25 November 2003, applicant filed the present petition, requesting revival of the international application under the provisions of 37 CFR 1.137(b) along with the appropriate petition fee as required by 37 CFR 1.17(m).

A review of the application papers filed 25 November 2003 reveals that all of the requirements of 37 CFR 1.137(b) for revival have been submitted. 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 under 37 CFR 1.137(b)(3) at the time of filing this petition.

A review of the declaration of the inventor filed with the petition indicates that it fails to meet the requirements under 37 CFR 1.69(b) and 1.52(b)(1)(ii). The citizenship and

residence of the applicant were cited in French and not translated into English. Since the translation of the international application and the declaration of the inventors were submitted after 30 months from the priority date claimed of 24 April 2001, an amount of $260.00, including $130.00 processing fee (fee code 1618) for submitting a translation after 30 months and $130.00 surcharge (fee code 1617) for filing an oath or declaration after 30 months, will be charged to Counsel's Deposit Account No. 19-4880, as authorized in the Transmittal Letter accompanying this petition.

Applicant's claim for priority is acknowledged. The application has an international filing date of **17 April 2002** under 35 U.S.C. 363.

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 is required to submit a new declaration of the inventor correcting the objection mentioned above or a translation of the declaration presently on file and statement meeting the requirements under 37 CFR 1.69(b) and 1.52(b) within **TWO (2) MONTHS** from the mail date of this Decision. Failure to respond will result in the abandonment of the application.

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

Boris Milef
PCT Legal Examiner
PCT Legal Office

Nguyên Ngoc-Hô
Paralegal Specialist
PCT Legal Office

NNH/BM:hn

Tel: (703) 308-6508

17 MAY 2004

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Clark & Brody
1750 K Street, NW
Suite 600
Washington, DC 20006

In re Application of	:	
FROUD, Colin	:	
Application No.: 10/478,870	:	DECISION
PCT No.: PCT/GB02/01791	:	
Int. Filing Date: 18 April 2002	:	ON PETITION UNDER
Priority Date: 23 April 2001	:	
Docket No.: 70272-0070	:	37 CFR 1.137(b)
For: SCREEN APPARATUS	:	

Applicant's "Petition to Revive Application Abandoned Unintentionally Pursuant to 37 C.F.R. §1.137(b)," filed in the above-captioned application on 25 November 2003 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the fee for late filing of the oath or declaration are required.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/25/09

TO SPE OF : ART UNIT 2889

SUBJECT : Request for Certificate of Correction for Appl. No.: 10478890 Patent No.: 7063584 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: _____

_____

_____

_____ _____

SPE Ton **Art Unit 2889**

27 APR 2004

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CORPORATE INTELLECTUAL PROPERTY
GLAXOSMITHKLINE
FIVE MOORE DR., PO BOX 13398
RESEARCH TRIANGLE PARK, NC 27709-3398

In re Application of BIGGADIKE et al. Application No.: 10/478,893 PCT No.: PCT/GB02/01971 Int. Filing Date: 30 April 2002 Priority Date: 30 April 2001 Attorney Docket No.: PG4431USW For: ANTI-INFLAMMATORY 17.BETA.-CARBO-THIOATE ESTER DERIVATIVES OF ANDROSTANE WITH A CYCLIC ESTER GROUP IN POSITION 17.ALPHA	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 24 November 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 $920 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. The $130 surcharge for filing the oath or declaration after the thirty month period will be charged to applicants' deposit account per their authorization. The 35 U.S.C. 371(c)(1),(c)(2) and (c)(4) date is **24 November 2003.**

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
Office of Patent Cooperation Treaty
Legal Administration Office

Telephone: (703) 306-5467
Facsimile : (703) 308-6459

2 3 NOV 2004

#7

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Scott E. Kamholz
Foley Hoag, LLP
155 Seaport Boulevard
Boston, MA 02210

In re Application of BOUAIDAT, et al U.S. Application No.: 10/478,947 PCT No.: PCT/DK02/00274 Int. Filing Date: 25 April 2002 Priority Date: 23 May 2001 Attorney's Docket No.: 53961-294323 For: METHOD OF LIFT-OFF MICROSTRUCTURING DEPOSITION MATERIAL ON A SUBSTRATE	COMMUNICATION

This communication is in response to applicant's filing of 05 November 2004 including combined declaration and power of attorney.

BACKGROUND

On 25 April 2002, applicant filed international application PCT/DK02/00274, which claimed priority of an earlier application filed 23 May 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 28 November 2002. A Demand for international preliminary examination, in which the United States was elected 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 23 November 2003.

On 24 November 2003, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia:* the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement and a First preliminary amendment.

On 08 April 2004, 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. 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 05 November 2004, applicant filed the response, including a combined declaration and power of attorney, discussed herein.

COMMUNICATION

The combined declaration and power of attorney filed on 05 November 2004 cannot be accepted as it is illegible. Specifically, it is impossible to discern the inventor's names and statements that the inventors are attesting to. Applicant is advised that in order to continue with processing in the U.S. national stage a legible copy is required.

CONCLUSION

Applicant is hereby afforded **ONE (1) MONTH** non-extendable from the mail date of this communication to furnish the proper reply as indicated above. Failure to file the reply within the time period provided will result in abandonment. Extensions of time are not available.

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

15 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

Scott E. Kamholz
Foley Hoag, LLP
155 Seaport Boulevard
Boston, MA 02210

In re Application of	:	
BOUAIDAT, et al	:	
U.S. Application No.: 10/478,947	:	
PCT No.: PCT/DK02/00274	:	COMMUNICATION
Int. Filing Date: 25 April 2002	:	
Priority Date: 23 May 2001	:	
Attorney's Docket No.: 53961-294323	:	
For: METHOD OF LIFT-OFF MICROSTRUCTURING	:	
DEPOSITION MATERIAL ON A SUBSTRATE	:	

This communication is in response to applicant's filing of 02 December 2004 including combined declaration and power of attorney.

On 23 November 2004, applicant was mailed a communication indicating that the filed declaration and power of attorney was illegible. Applicant was afforded one month to file a legible response.

On 02 December 2004, applicant filed the present response.

A review of the newly filed combined declaration and power of attorney finds it to be legible and compliant under 37 CFR 1.497(a)-(b).

A review of the application papers reveals that applicant has now 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 25 April 2002 and a date of **02 December 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

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

22 APR 2004

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FINNEGAN HENDERSON FARABOW GARRETT & DUNNER
1300 I Street NW
Washington, D.C. 20005-3315

In re Application of ISHIHATA, Yoshifumi *et al* U.S. Application No.: 10/478,955 PCT No.: PCT/JP01/11002 Int. Filing Date: 14 December 2001 Priority Date: 14 December 2000 Attorney Docket No.: 05905.0175 For: GAME DEVICE, COMMUNICATION GAME SYSTEM, AND RECORDED MEDIUM	**DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)**

Applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed with the national stage papers on 28 November 2003 in the above-captioned application is hereby **GRANTED** as follows:

The appropriate basic national fee, independent claim fee, processing fee, surcharge fee, multiple dependent fee, extra claim fee, and petition fee have been paid. Applicants state that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted with the national stage papers. The application has an international filing date of 14 December 2001, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 28 November 2003.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

31 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

Stanley R. Moore
JENKINS & GILCHRIST
1445 Ross Avenue, Suite 3200
Dallas, Texas 75202

In re Application of Sven MATTISSON Application No.: 10/478,973 International Application No.: PCT/EP02/05231 International Filing Date: 10 May 2002 Priority Date: 14 June 2001 For: AN ELECTRICAL OSCILLATOR CIRCUIT AND AN INTEGRATED CIRCUIT	: : : : : : : :	DECISION ON PETITION UNDER 37 C.F.R. § 1.10(c)

This is a decision on applicant's REQUEST FOR CORRECTED FILING RECEIPT filed by facsimile on 14 January 2005, which is being treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be accorded a date under 35 U.S.C. 371(c) of 27 May 2004, as opposed to 28 May 2004.

BACKGROUND

On 10 May 2002, applicant filed international application PCT/EP02/05231 claiming priority to an earlier application filed 14 June 2001. A copy of the international application was timely communicated to the United States Patent and Trademark Office (PTO) by the International Bureau. Accordingly, the thirty month period for paying the basic national fee in the United States of America expired at midnight on 15 December 2003 (14 December 2003 being a Sunday).

On 24 November 2003, applicant filed a Transmittal Letter (Form PTO-1390) for entry into the national stage in the United States under 35 U.S.C. 371 accompanied by, *inter alia*, the requisite basic national fee.

On 20 April 2004, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) (Form PCT/DO/EO/905) indicating that an executed oath or declaration and the surcharge under 37 CFR 1.492(e) were required.

In response to the Notification Of Missing Requirements (Form PCT/DO/EO/905), applicant filed a RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 which included an executed declaration and the surcharge under 37 CFR 1.492(e)

On 15 June 2004, the DO/EO/US mailed a NOTIFICATION OF ACCEPTANCE OF

APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating that application number 10/478,973 had been accorded a date under 35 U.S.C. 371(c) of 28 May 2004.

On 14 January 2005, applicant filed the instant petition requesting that the date under 35 U.S.C. 371(c) be changed to 27 May 2004. The petition included, *inter alia*, a copy of "Express Mail" label number EL987026697US indicating a "Date-In" of 27 May 2004. Applicant's petition further requests that the Filing Receipt be corrected to reference applicant's domestic priority claim to provisional application number 60/298,408 and an assignment to Telefonaktiebolaget LM Ericsson.

DISCUSSION

37 C.F.R. § 1.10(c) provides that any person filing correspondence under the section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show 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 of Patents and Trademarks (Commissioner) to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation. 37 C.F.R. § 1.10(c) requires that (1) the petition be filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit; (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 evidence of record is sufficient to establish with reasonable certainty that the declaration and surcharge were deposited with the USPS as an "Express Mail" mailing on 27 May 2004. Specifically, the "Express Mail" label number EL987026697US appears on applicant's RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371. The indication of the "Express Mail" label number appearing on applicant's RESPONSE ties the "Express Mail" label and the RESPONSE together such that it is clear that the declaration and surcharge were deposited on 27 May 2004.

Regarding the other corrections requested to the Filing Receipt, a review of the file indicates that the original Filing Receipt should have contained the requested information. A Corrected Filing Receipt will be issued in response to this decision as indicated below.

CONCLUSION

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

The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) mailed 15 June 2004 is hereby **VACATED**.

The application is being returned to the DO/EO/US for processing in accordance with this decision, including the issuance of Form PCT/DO/EO/903 indicating a date under 35 U.S.C. 371(c) of 27 May 2004. The application will then be forwarded to the Office of Initial

Patent Examination for issuance of a Corrected Filing Receipt.

Michael A. Neas
PCT Special Program Examiner
Office of PCT Legal Administration

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: 571-272-3289
Facsimile: 571-273-0459

23 SEP 2004

#9

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Robert M Bauer Esq
Brown Raysman Millstein Felder & Steiner LLP
900 Third Avenue
New York, NY 10022

In re Application of MUHONEN et al. Application No.: 10/479,003 PCT No.: PCT/EP01/05881 Int. Filing Date: 22 May 2001 Priority Date: None Attorney's Docket No.: 6713/1007 US For: METHOD, NETWORK DEVICE AND TERMINAL DEVICE FOR CONTROLLING CONTEXT ACTIVATION	DECISION ON RESUBMISSION OF DECLARATION

This is a response to applicant's "Resubmission of Response to Notification of Missing Requirements, Declaration and Power of Attorney, Second Preliminary Amendment, Copy of the Notification of Missing Requirements" filed in the United States Patent and Trademark Office (USPTO) via facsimile on 05 August 2004 and treated as a Petition under 37 CFR 1.181.

BACKGROUND

On 21 November 2003, applicant filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390) along with, *inter alia*, the basic national fee.

On 22 March 2004, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that an oath or declaration in compliance with 37 CFR 1.497 and the $130 surcharge was required. On 06 April 2004, applicant filed a Response to the Notification of Missing Requirements via facsimile.

On 05 August 2004, applicants, via facsimile, filed a copy of the Response to the Notification of Missing Requirements including a declaration executed by the inventors alleging that the executed declaration was filed via facsimile on 06 April 2004 to the United States Designated/Elected Office. Applicants also provided a copy of the sending unit's report confirming transmission to the USPTO on 06 April 2004 for said response.

DISCUSSION

A review of the application file reveals that the original declaration allegedly filed 06 April 2004 is not located in the application file. A review of the USPTO facsimile log indicates that an eleven page communication regarding the Response to the Notification of Missing Requirements for the present application 10/479,003 was received in the USPTO facsimile log on 06 April 2004. See the attached redacted copy of the relevant page of the USPTO facsimile log. This facsimile log entry, together with the corroborating evidence submitted by applicant, is sufficient to establish with reasonable certainty that applicant filed

the Response to the Notification of Missing Requirements including an executed declaration on 06 April 2004. The declaration submitted on 05 August 2004 will considered as timely response to the Notification of Missing Requirements transmitted on 06 April 2004.

CONCLUSION

Therefore, applicants' petition under 37 CFR 1.181 requesting acceptance of the declaration as having been filed on 06 April 2004 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 06 April 2004.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (703) 306-5467
Fax: (703) 308-6459

CMK:BT

Enclosure: Copy of PCT Operations Fax Log Sheet

01 APR 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

DT12 Rec'd PCT/PTO 01 APR 2004

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

Stephen G. Rudisill
Jenkens & Gilchrist, P.C.
25 W. Washington Street
Suite 2600
Chicago, IL 60606-3418

In re Application of Frederick, W. Richard Application No.: 10/479,010 PCT No.: PCT/US02/07609 Int. Filing Date: 13 March 2002 Priority Date: 19 March 2001 Docket No.: 51751-00002USP1 For: DECORATIVE LIGHT STRING HAVING SHUNT REPAIR DEVICE	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's "Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the above-captioned application on 24 November 2003 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and the 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.

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 24 November 2003 under 35 U.S.C. §§371(c)(1), (c)(2) and (c)(4).

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

26 MAY 2004

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

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

James Myrick
748 Greenwood Avenue
Glencoe, IL 60022

In re Application of MYRICK, James Application No.: 10/479,032 PCT No.: PCT/US01/44792 Int. Filing Date: 01 November 2001 Priority Date: 01 November 2000 Attorney Docket No.: JJM004B For: NANOELECTRONIC INTERCONNECTION AND ADDRESSING	: : : : : : : :	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 25 November 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 reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

Anthony Smith

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/22/07

TO SPE OF : ART UNIT 1756

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/479059** Patent No.: **6933022**

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

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

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

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 123

Thank You For Your Assistance

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

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

Comments: _____

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

SPE — **Art Unit** 1756

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

COPY MAILED

DEC 14 2006

OFFICE OF PETITIONS

In re Application of	:	
Peter Eisenberger	:	
Application No. 10/479,073	:	DECISION ON PETITION
Filed: June 14, 2003	:	TO WITHDRAW
Attorney Docket No. 11627/7	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 25, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the attorneys and/or agents associated with Customer Number 26646 has been revoked by the assignee of the patent application on November 16, 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 Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **C. Irvin McClelland**
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

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
10/479,073	06/14/2004	Peter Eisenberger	11627/7

CONFIRMATION NO. 3566

OC000000021592876

OC000000021592876

26646
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Date Mailed: 12/13/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/16/2006.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

COPY MAILED
AUG 18 2008

In re Application of	:	
Richard Petrus Kleihorst, et. al.	:	
Application No. 10/479,089	:	DECISION ON PETITION
Filed: November 25, 2003	:	
Attorney Docket No. NL01 0378 US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on December 3, 2007, to revive the above-identified application.

The application became abandoned for failure to file a reply to the final Office action mailed May 1, 2007.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Robert J. Crawford 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.

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 petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114 with the $810 filing fee and an amendment; (2) the petition fee of $1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived for consideration of the RCE.

If Mr. Crawford desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

The application file is being referred to Technology Center Art Unit 2117 for further processing.

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Robert J. Crawford
Crawford Maunu, PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120

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.
10/479,089	11/25/2003	Richard Petrus Kleihorst	NL01 0378 US	2183

65913 7590 08/19/2008
NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

EXAMINER
NGUYEN, STEVE N

ART UNIT	PAPER NUMBER
2117	

NOTIFICATION DATE	DELIVERY MODE
08/19/2008	ELECTRONIC

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

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

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

ip.department.us@nxp.com

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/22/09

TO SPE OF : ART UNIT 1654

SUBJECT : Request for Certificate of Correction for Appl. No.: 10479096 Patent No.: 7329644 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Director's 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: _____

Cecilia Tsang SPE Art Unit 1654

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/22/09

TO SPE OF : ART UNIT 1654

SUBJECT : Request for Certificate of Correction for Appl. No.: 10479096 Patent No.: 7329644 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: _____

Cecilia Tsang SPE Art Unit 1654

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAY - 9 2005

JAMES A. OLIFF
OLIFF & BERRIDGE, PLC
P. O. BOX 19928
ALEXANDRIA, VA 22320

In re Application of Ohara *et. al.*
Serial No.: 10/479118
Filed: November 28, 2003
Attorney Docket No.: 117895

: PETITION DECISION

This is in response to the petition under 37 CFR 1.181, filed March 7, 2005, to reset the time period for reply to an Office Action.

A review of the file history shows that the Examiner mailed a non-final Office Action to Applicants on November 19, 2004. The Office Action returned to the Tech Center as undelivered on November 24, 2004. On March 4, 2005, the Office (Brenda L. Gray) contacted Applicants to apprise them of the situation regarding the returned mailing, and faxed Applicants a copy of the November 19, 2004 Office Action with the return-date stamp of November 24, 2004 without the attachments. Therefore the Office Action sent was incomplete.

In light of the evidence showing that Applicant did not receive the complete Office Action of November 19, 2004 Applicant's statutory time period will be restarted.

The petition is therefore **GRANTED**.

The application will be forwarded to the Examiner and a copy of the November 19, 2004 office action will be resent to Applicants. The mailing date of the Office Action will set the new time period for response.

Should there be any questions about this decision please contact Jean Vollano, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0648, or by facsimile sent to the general Office facsimile number, 703-872-9306.

Jean F Vollano for
Bruce Kisliuk
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAY 27 2005

OLIFF & BERRIDGE
P O BOX 19928
ALEXANDRIA VA 22320

In re Application of	:
Yoshio Ohara et al	:
Serial No.: 10/479,118	: PETITION DECISION
Filed: November 28, 2003	:
Attorney Docket No.: 117895	:

This is in response to the petition under 37 CFR 1.181, filed March 7, 2005, requesting restarting of the period for response.

An Office action was mailed to applicants on November 19, 2004. For unknown reasons the Office action was returned to the Office by the US Postal Service several days later and not remailed. Applicants became aware of the Office action having been mailed only after being contacted by Office personnel. A copy of the Office action was then sent to applicants by facsimile on March 4, 2005, but the period for response was not restarted. In view of the returned mail and the receipt of the Office action by applicants only after the three month shortened statutory period had expired, restarting of the time period for reply is appropriate. A copy of the Office action and all attachments are provided with this decision

The petition is **GRANTED.**

The period for response to the Office action originally mailed November 19, 2004, is restarted as of March 4, 2005, as requested by applicants. The time period for reply remains at three months as set therein.

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

18 MAY 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

Corporate Patent Counsel
Philips Electronics North America Corporation
P.O. Box 3001
Briarcliff Manor, NY 10510

In re Application of VAN HEES et al	:	
U.S. Application No.: 10/479,128	:	
PCT Application No.: PCT/IB02/01989	:	DECISION
Int. Filing Date: 03 June 2002	:	
Priority Date Claimed: 01 June 2001	:	
Attorney Docket No.: NL 010384	:	
For: COMPACT ILLUMINATION SYSTEM	:	
AND DISPLAY DEVICE	:	

This is in response to the papers filed 26 November 2003, which is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 03 June 2002, applicant filed international application PCT/IB02/01989, which claimed priority of an earlier European Patent Office application filed 01 June 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 05 December 2002. The thirty-month period for paying the basic national fee in the United States expired on 01 December 2003.

On 26 November 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), an executed declaration, and the present request for status under 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 provides, "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."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration executed by the legal representative of Antonius Van Hees is improper. Specifically, the declaration does not state the citizenship, residence, and mailing address of the legal representative. Furthermore, the declaration consists of one sheet labeled "page 1 of 2" and two sheets labeled "page 2 of 2". The submission of only the signature page of a declaration is unacceptable since it cannot be determined whether all pages of the declaration were present at the time of execution.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

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
Office of PCT Legal Administration

Telephone: 703-308-6614
Facsimile: 703-308-6459

21 JUL 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

Corporate Patent Counsel
Philips Electronics North America Corporation
P.O. Box 3001
Briarcliff Manor, NY 10510

In re Application of VAN HEES et al	:	
U.S. Application No.: 10/479,128	:	
PCT Application No.: PCT/IB02/01989	:	DECISION
Int. Filing Date: 03 June 2002	:	
Priority Date Claimed: 01 June 2001	:	
Attorney Docket No.: NL 010384	:	
For: COMPACT ILLUMINATION SYSTEM	:	
AND DISPLAY DEVICE	:	

This is in response to the papers filed 16 July 2004, which is being treated as a renewed request for status under 37 CFR 1.42.

BACKGROUND

On 03 June 2002, applicant filed international application PCT/IB02/01989, which claimed priority of an earlier European Patent Office application filed 01 June 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 05 December 2002. The thirty-month period for paying the basic national fee in the United States expired on 01 December 2003.

On 26 November 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), an executed declaration, and a request for status under 37 CFR 1.42.

On 18 May 2004, this Office mailed a decision dismissing the 26 November 2003 request for status.

On 16 July 2004, applicant filed the present renewed request for status under 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 provides, "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."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declarations filed 16 July 2004 are in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 03 June 2002, and a date under 35 U.S.C. 371(c) of 16 July 2004.

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
Office of PCT Legal Administration

Telephone: 703-308-6614
Facsimile: 703-308-6459

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.
10/479,134	11/26/2003	Gilles Pauly	C 2355 PCT/US	2190

23657 7590 12/05/2008
FOX ROTHSCHILD LLP
1101 MARKET STREET
PHILADELPHIA, PA 19107

EXAMINER
RAMACHANDRAN, UMAMAHESWARI

ART UNIT	PAPER NUMBER
1617	

MAIL DATE	DELIVERY MODE
12/05/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOX ROTHSCHILD LLP
1101 MARKET STREET
PHILADELPHIA PA 19107

DEC 0 5 2008

In re Application of	:
Pauly et al.	:
Serial No.: 10/479,134	: SUSPENSION OF ACTION
Filed: November 26, 2003	:
Attorney Docket No.: **C 2355 PCT/US**	:

This is in reply to the petition under 37 CFR 1.103(a) to suspend action in this application at applicants' request for a period of six months, filed November 17, 2008.

BACKGROUND

Applicants request prosecution in this application be suspended for a period of six months in order to develop data necessary to establish unexpected results and rebut the instant rejections.

DISCUSSION

§ 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.

Applicants have replied to the last Office action by filing arguments. Applicants have shown good and sufficient reason for suspension.

DECISION

In view of the above the petition for suspension of action is **GRANTED** for a period of six months, as requested, from the date of mailing of this decision.

Should applicants complete their testing prior to the expiration of the period of suspension, a submission of the results should be promptly forwarded to the Office so that prosecution may be resumed.

Should there be any questions with respect to this action, please contact the examiner or Marianne Seidel, 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 Office general facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

12 APR 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

#9

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

Julia R. Daulton
MERCHANT & GOULD
P.O. Box 2903
Minneapolis, Minnesota 55402-0903

In re Application of	:	
BARNETT, Nicholas, James	:	
U.S. Application No.: 10/479,144	:	DECISION ON PETITION
PCT No.: PCT/GB02/02546	:	
International Filing Date: 31 May 2002	:	
Priority Date: 01 June 2001	:	
Attorney's Docket No.: 9374.35USWO	:	
For: APPARATUS AND METHOD FOR	:	
DETERMINING ORGAN PERFUSION	:	

In a Communication issued on 25 May 2004, this Office informed applicant that a petition under 37 CFR 1.182 was required to change the name of the applicant from Nick BARNETT (as listed in the international application) to Nicholas James BARNETT as listed on the filed international application.

On 21 September 2004, applicant filed the petition under 37 CFR 1.182 considered herein, acompanied by the fee for the required two month extension of time. The petition included the required petition fee and a statement from counsel who filed the international application explaining the disparity in the name of the inventor between the international application and the filed declaration. This submission satisfies the requirements for a grantable petition.

Applicant's petition under 37 CFR 1.182 **GRANTED**. The name of the sole applicant/inventor herein is accepted as Nicholas James BARNETT.

Based on the correction of the applicant/inventor's name, the declaration filed on 27 April 2004 is no longer defective.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 27 April 2004.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902- 0902
MINNEAPOLIS, MN 55402

In re Application of	:	
Noguchi, et al.	:	
Application No. 10/479,146	:	DECISION GRANTING PETITION
Filed: November 25, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 16, 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 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 2872 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Frances Hicks

Frances 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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 07, 2007

TO SPE OF : ART UNIT 2874

10/479150

SUBJECT : Request for Certificate of Correction on Patent No.: 7139460 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

Thank You For Your Assistance

Certificates of Correction Branch

Tel. No. 703-308-9390 EXT 110

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

Note your decision on the appropriate box.

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

Comments:

_____

_____

_____

_____

_____

SPE 2874 **Art Unit**

10 MAY 2004

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Richard M. Lebovitz
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Blvd., Suite 1400
Arlington, VA 22201

In re Application of	:	
SUN, et al.	:	
U.S. Application No.: 10/479,157	:	DECISION ON PETITION
PCT No.: PCT/US02/10824	:	
Int. Filing Date: 08 April 2002	:	UNDER 37 CFR 1.137(b)
Priority Date: 06 April 2001	:	
Attorney Docket No.: ORIGEN-23	:	
For: PROSTATE CANCER EXPRESSION PROFILES	:	

The petition to revive under 37 CFR 1.137(b) filed 01 December 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" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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 executed oath or declaration of the inventors is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (703) 305-0130
Fax: (703) 308-6459

23 MAR 2004

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Richard Lebovitz
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201

In re Application of Zairen SUN, et al. Application No.: 10/479,176 PCT No.: PCT/US02/09990 Int. Filing Date: 01 April 2002 Priority Date: 30 March 2001 Attorney Docket No.: ORIGEN-24 For: DIFFERENTIALLY-EXPRESSED AND UP-REGULATED POLYNUCLEOTIDES AND POLYPEPTIDES IN BREAST CANCER	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 01 December 2003 in the above-captioned application is hereby **GRANTED** as follows:

On 01 April 2002, applicants filed international application PCT/US02/09990, which claimed priority of an earlier U.S. application filed 30 March 2001. The application became abandoned as to the national stage in the United States because the basic national fee was not paid to the USPTO prior to the 30 months statutory time period, which expired at midnight on 30 September 2003.

On 01 December 2003, applicants filed the present petition, requesting revival of the international application under the provisions of 37 CFR 1.137(b) along with the appropriate petition fee as required by 37 CFR 1.17(m) for a small entity.

A review of the application papers filed with the petition reveals that all of the requirements of 37 CFR 1.137(b) for revival have been submitted. 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 papers reveals that no declaration of the inventors has been submitted.

Applicants' claim for priority is acknowledged. The application has an international filing date of **01 April 2002** under 35 U.S.C. 363.

The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application is being forwarded to the United States Designated/Elected Office for further processing, including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) to inform applicants that a declaration of the inventors in compliance with 37 CFR 1.497 must be filed along with the surcharge for submitting a declaration after 30 months in order to avoid abandonment of the application as to the national stage in the United States.

Richard Cole
PCT Legal Examiner
PCT Legal Office

Nguyên Ngoc-Hô
Paralegal Specialist
PCT Legal Office

NNH/RC:hn

Tel: (703) 308-6508

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 A Gass
Marshall Gerstein & Borun
233 S Wacker Drive
Sears Towers Suite 6300
Chicago, IL 60606-6357

Mail Date: 04/21/2010

Applicant	: Tsuneya Ohno	: DECISION ON REQUEST FOR
Patent Number	: 7651837	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/479,185	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **848** 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.

19 JUL 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

#7

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

Robert M. Angus
Westman Champlin & Kelly PA
International Centre
900 Second Avenue South, Suite 1600
Minneapolis, MN 55402-3319

In re Application of ALARD, Michel et al. Application No.: 10/479,190 PCT No.: PCT/FR02/01639 Int. Filing Date: 15 May 2002 Priority Date: 30 May 2001 Attorney Docket No.: W51.12-0009 For: METHOD FOR ESTIMATING ... AND CORRESPONDING RECEIVER	DECISION ON PETITION UNDER 37 CFR 1.181

This decision is in response to applicant's "Response to Notification of Missing Requirements," filed on 14 May 2004.

BACKGROUND

On 15 May 2002, applicant filed international application PCT/FR02/01639. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 05 December 2002. A demand for international preliminary examination was filed 04 December 2002, prior to the expiration of nineteen months from the priority date. The deadline for entry into the national stage in the United States was thirty months from the priority date, 01 December 2003 (30 November 2003 was a Sunday).

On 26 November 2003, applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, the basic national fee and a declaration.

On 15 March 2004, the Office mailed Notification of Missing Requirements indicating that the declaration did not comply with 37 CFR 1.497(a)-(b) as the inventor listed as "Franck Bietrix" on the international application was listed as "Frank Bietrix" on the declaration.

On 14 May 2004, applicant supplied the instant response to the Notification.

DISCUSSION

Applicant's explanation that listing Franck Bietrix as "Frank Bietrix" on the declaration was a typographical error and should have read "Franck Bietrix" is acceptable.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 15 May 2002 under 35 U.S.C. §363 and a date of 26 November 2003 under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4). This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Richard Cole
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: 703-305-0455
Facsimile: 703-308-6459

28 FEB 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

22428
FOLEY AND LARDNER LLP
Suite 500
3000 K Street NW
Washington, DC 20007

In re Application of	:	
PENGER, Anja *et al*	:	
U.S. Application No.: 10/479,225	:	
PCT No.: PCT/EP02/06000	:	
Int. Filing Date: 31 May 2002	:	**DECISION**
Priority Date: 01 June 2001	:	
Attorney Docket No.: 028622-0126	:	
For: POLYMORPHISMS IN THE HUMAN	:	
GENE FOR CYTOCHROME P450	:	
POLYPEPTIDE 2C8 AND THEIR USE	:	
IN DIAGNOSTIC . . .	:	

This is a decision on applicants' "Petition Under 37 C.F.R. § 1.181(a) Requesting Withdrawal of Holding of Abandonment" filed 01 February 2006. No fee is required.

BACKGROUND

On 16 August 2005, a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures" (Form PCT/DO/EO/922) was mailed indicating that a new CRF sequence listing diskette was required. Applicants were given two months to respond with extensions available.

On 06 October 2005, applicant purportedly filed a response which was accompanied by, *inter alia*, CRF of Sequence Listing. This response was not located in the file.

On 23 January 2006, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed for failing to respond to the Form PCT/DO/EO/905 mailed 16 August 2005 within the time period set therein.

On 01 February 2006, applicant submitted the subject petition along with a copy of the date-stamped postcard receipt for the documents filed 06 October 2005.

DISCUSSION

The response purportedly filed 06 October 2005 was not located in the file.

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.

Here, applicant provided a copy of the date-stamped postcard receipt for documents submitted on 06 October 2005. The postcard receipt identified the application by the application number, inventors, docket number and title. The postcard receipt indicates that among the papers filed included a "Statement to Support Filing and Submission in Accordance with 37 CFR 1.821-1.825; 1 CRF of Sequence Listing and Paper Copy of Sequence Listing (101 pages)" were received in the USPTO. The postcard receipt is stamped "OIPE 06 OCT 2005" across its face.

Accordingly, applicant has provided *prima facie* evidence that a response to the Form PCT/DO/EO/922 mailed 16 August 2005 was filed 06 October 2005.

CONCLUSION

In view of the above, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Form PCT/DO/EO/909 mailed 23 January 2006 is **VACATED**.

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

James Thomson

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

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

COPY MAILED

MAR 2 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Anja PENGER, et al	:	
Application No. 10/479,225	:	DECISION ON PETITION
Filed: April 8, 2004	:	TO WITHDRAW
Attorney Docket No. 106153-0012-101	:	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 30, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Foley and Lardner LLP, has been revoked by the assignee of the patent application on January 8, 008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JAMES F. HALEY, JR., PH.D., J.D.
ROPES & GRAY LLP
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-18-07

TO SPE OF : ART UNIT 4700

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/479230 Patent No.: 7153398

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 Review Assignee

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

Certificates of Correction Branch

703-308-9390 ext. 117

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

Nam Nguyen

SPE

1795

Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

OCT 21 2009

OFFICE OF PETITIONS

John P. DeLuca
Dykema Gossett
1300 I Street N.W.
Third Floor West
Washington DC 20005

In re Patent No. 7,153,398

Issue Date: December 26, 2006

Application No. 10/479,230

Filed: December 1, 2003

Attorney Docket No. 66434-007

ON PETITION

This is a decision on the petition filed July 16, 2007, 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 request is **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The fee for the instant request of $130.00 and the fee for the certificate of correction of $100.00 will be charged to deposit account 04-2223.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] See *Official Gazette* of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

COPY MAILED

NOV 06 2006

OFFICE OF PETITIONS
ON PETITION

In re Application of	:
Mari Tabuchi et al	:
Application No. 10/479,245	:
Filed: December 1, 2003	:
Attorney Docket No. 1422-0612P	:

This is a decision on the petition, filed November 3, 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 July 21, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 1753 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

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

17 MAR 2005

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Martin G. Liniham
Hodgson Russ LLP
One M&T Plaza
Buffalo, NY 14203-2391

In re Application of	:	
DAVIS et al	:	
Application No.: 10/479,266	:	
PCT No.: PCT/GB02/02544	:	
Int. Filing Date: 29 May 2002	:	DECISION
Priority Date: 01 June 2001	:	
Atty. Docket No.: 38741.00001	:	
For: APPARATUS	:	
	:	

This is a decision on applicants' "PETITION UNDER 37 CFR 1.47" filed in the U.S. Patent and Trademark Office (PTO) on 26 November 2004, which requests that the application be accepted without the signature of missing joint inventor Gary Proudfoot.

BACKGROUND

On 29 May 2002, applicants filed international application No. PCT/GB02/02544 which claimed a priority date of 01 June 2001, and which designated the United States. The 30 month 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 set to expire on 01 December 2003.

On 01 December 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.

On 26 April 2004, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 26 November 2004, applicants filed the present petition which was accompanied by, inter alia, a declaration executed by joint inventor Mervyn Davis and the requisite petition fee.

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 have satisfied items (1), (3) and (4) above.

Concerning item (2) above, a review of the application file reveals that item (2) cannot be said to have been satisfied at this time. Specifically, it is not clear from a review of the petition and accompanying exhibits whether applicants are alleging that Mr. Proudfoot cannot be found or is refusing to sign the application. Further, no documentary evidence has been offered that would support either allegation. Nor have applicants presented a statement from someone having firsthand knowledge of any actions taken that would support either a holding that a diligent effort has been made to locate Mr. Proudfoot or that he has refused to execute the application after having been presented with a complete copy of the application papers. See section 409.03(d) of the Manual Of Patent Examining Procedure.

Therefore, in that applicants have not satisfied item (2) above, the petition under 37 CFR 1.47(a) may not be properly granted at this time.

CONCLUSION

For the reasons above, the petition 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.

A proper response must include either a declaration executed by all of the inventors or an acceptable showing that the missing joint inventor either cannot be found after diligent effort or that he has refused to execute the application.

Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the 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.

Richard R. Cole
PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
Fax: (571) 273-0459

13 SEP 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

Martin G. Liniham
Hodgson Russ LLP
One M&T Plaza
Buffalo, NY 14203-2391

In re Application of	:	
DAVIS et al	:	
Application No.: 10/479,266	:	
PCT No.: PCT/GB02/02544	:	SUPPLEMENTAL
Int. Filing Date: 29 May 2002	:	DECISION
Priority Date: 01 June 2001	:	
Atty. Docket No.: 38741.00001	:	
For: APPARATUS	:	
	:	

This is a supplemental decision on applicants' "PETITION UNDER 37 CFR 1.47" filed in the U.S. Patent and Trademark Office (USPTO) on 26 November 2004, in view of the "SUPPLEMENTAL PETITION UNDER 37 CFR 1.47" filed in the USPTO on 04 January 2005.

BACKGROUND

On 26 November 2004, applicants filed the initial petition which was accompanied by, inter alia, a declaration executed by joint inventor Mervyn Davis and the requisite petition fee.

On 04 January 2005, applicants filed the present supplemental petition which was accompanied by, inter alia, copies of correspondence with the non-signing inventor.

On 17 March 2005, prior to the 04 January 2005 submission being matched with the application file, this office mailed a decision dismissing applicants petition on the grounds that applicants had not submitted documentary evidence to support the petition.

DISCUSSION

As set forth in the prior decision, 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), (3) and (4) above.

Concerning item (2) above, a review of the application file reveals that item (2) still cannot be said to have been satisfied at this time. Specifically, applicants have not provided a statement from someone having firsthand knowledge of the facts, and specifically of the fact that the letter dated 01 December 2004, was accompanied by a complete copy of the application papers. See section 409.03(d) of the Manual Of Patent Examining Procedure.

Therefore, in that applicants have not satisfied item (2) above, the petition under 37 CFR 1.47(a) may not be properly granted at this time.

CONCLUSION

For the reasons above, the petition 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.

A proper response must include either a declaration executed by all of the inventors or an acceptable showing that the missing joint inventor has 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.

Richard R. Cole
PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
Fax: (571) 273-0459

#10

UNITED STATES PATENT AND TRADEMARK OFFICE

06 JAN 2006

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

Martin G. Liniham
Hodgson Russ LLP
One M&T Plaza
Buffalo, NY 14203-2391

In re Application of DAVIS et al Application No.: 10/479,266 PCT No.: PCT/GB02/02544 Int. Filing Date: 29 May 2002 Priority Date: 01 June 2001 Atty. Docket No.: 38741.00001 For: APPARATUS	:	DECISION

This is a decision on applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed in the U.S. Patent and Trademark Office (USPTO) on 16 November 2005.

BACKGROUND

On 17 March 2005, this office mailed a decision dismissing applicants' petition on the grounds that applicants had not submitted documentary evidence to support the petition and specifically that applicants had not submitted a statement from someone having firsthand knowledge of the facts in accordance with MPEP 409.03(d).

On 13 September 2005, this office issued a supplemental decision which again dismissed the petition on the grounds that applicants were still required to submit "a statement from someone having firsthand knowledge of the facts, and specifically of the fact that the letter dated 01 December 2004, was accompanied by a complete copy of the application papers." The supplemental decision was in response to a supplemental submission from applicants which was accompanied by, *inter alia*, a copy of an unsigned letter from Mr. Davis to Mr. Proudfoot.

On 16 November 2005, applicants submitted the present renewed petition which was accompanied by, *inter alia*, a second copy of the previously submitted unsigned letter from Mr. Davis to Mr. Proudfoot and a copy of a dictionary definition of the word transcript.

DISCUSSION

As set forth in the prior decision, 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 still have not satisfied item (2) above.

Specifically, applicants have not provided a statement from someone having firsthand knowledge of the facts, and specifically of the fact that the letter dated 01 December 2004, was accompanied by a complete copy of the application papers as required by the prior decision. In this regard section 409.03(d) of the Manual Of Patent Examining Procedure (MPEP), under the heading "REFUSAL TO JOIN" 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 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.

Applicants have submitted documentary evidence in the form of the copy of the unsigned letter from Mr. Davis to Mr. Proudfoot in support of the alleged fact that a letter accompanied by a complete copy of the application papers was sent to the non-signing inventor. However, as set forth twice previously, applicants have failed to submit a statement from someone having firsthand knowledge of the facts, i.e., that the letter was actually sent and that it did include a copy of the application papers. Until such a statement from someone with firsthand knowledge is presented, the petition cannot be granted.

With regard to the definition of the word transcript, this issue was not raised in the prior decision as it was assumed that the required statement of firsthand knowledge would clarify the matter. However, it should be noted that had the issue been raised, the offered dictionary definition would not have clarified the matter. Specifically, there is nothing in the offered definition that would indicate that the phrase "Patent transcript" is the equivalent of a complete copy of the patent application papers and could mean nothing else. As such, applicants should take care to ensure that the statement of firsthand knowledge makes it clear that such is the case.

CONCLUSION

For the reasons above, the petition is **DISMISSED** without prejudice.

As indicated in the prior decisions, in order to avoid abandonment of the application, proper response must include either a declaration executed by all of the inventors or an acceptable showing, including a statement from someone having firsthand knowledge of the facts, that the missing joint inventor has refused to execute the application as discussed above.

The period for response set forth in the decision dated 13 September 2005, continues to run.

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.

Richard R. Cole
PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
Fax: (571) 273-0459

14 JUN 2006

#12

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Martin G. Liniham
Hodgson Russ LLP
One M&T Plaza
Buffalo, NY 14203-2391

In re Application of	:	
DAVIS et al	:	
Application No.: 10/479,266	:	
PCT No.: PCT/GB02/02544	:	
Int. Filing Date: 29 May 2002	:	DECISION
Priority Date: 01 June 2001	:	
Atty. Docket No.: 38741.00001	:	
For: APPARATUS	:	
	:	

This is a decision on applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed in the U.S. Patent and Trademark Office (USPTO) on 23 January 2006, which requests that the application be accepted without the signature of missing joint inventor Gary Proudfoot. The petition is **GRANTED** as discussed below.

On 06 January 2006, this Office mailed a decision on applicants' petition. The petition was dismissed on the grounds that applicants had not submitted an acceptable statement of facts which positively set forth that inventor Proudfoot had been presented with a copy of the complete application.

A review of the application file reveals that the present renewed petition was accompanied by, *inter alia*, a declaration in support of the petition by Mervyn Davis setting forth inventor Proudfoot had been presented with a copy of the complete application. 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 inventor at the last known address of record as set forth in the papers filed 26 November 2004, 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 29 May 2002, under 35 U.S.C. 363 and a date of **26 November 2004**, 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

14 JUN 2006

UNITED STATES PATENT and TRADEMARK OFFICE

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

Dr. Gary Proudfoot
24 High Street
Ardington
Wantage
Oxon OX12 8PS
United Kingdom

In re Application of	:	
DAVIS et al	:	
Application No.: 10/479,266	:	
PCT No.: PCT/GB02/02544	:	
Int. Filing Date: 29 May 2002	:	NOTIFICATION
Priority Date: 01 June 2001	:	
Atty. Docket No.: 38741.00001	:	
For: APPARATUS	:	

Dear Dr. Proudfoot:

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. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.497.

Richard R. Cole
PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
Fax: (571) 273-0459

04 OCT 2004

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET,
PO BOX 224
MONROE, CT 06468

In re Application of KRÜGER, Dietmar, et al. Application No.: 10/479,300 PCT No.: PCT/EP02/05773 Int. Filing Date: 24 May 2002 Priority Date: 26 May 2001 Attorney Docket No.: 536-009.5 For: TRANSISTOR, METHOD FOR PRODUCING AN INTEGRATED CIRCUIT AND METHOD FOR PRODUCING A METAL SILICIDE LAYER	DECISION ON PETITION UNDER 37 CFR 1.47(a) AND REQUEST UNDER 37 CFR 1.42

This is a decision on applicants' petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 10 September 2004. It has been treated as a petition under 37 CFR 1.47(a) and a request for status under 37 CFR 1.42.

BACKGROUND

On 24 May 2002, applicants filed international application PCT/EP02/05773. A copy of the international application was transmitted to the Office on 05 December 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 November 2003.

On 26 November 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 17 May 2004, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 10 September 2004, applicants submitted the petition under 37 CFR 1.47(a) and the request under 37 CFR 1.42.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a)

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 after being presented with the application papers 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 nonsigning applicant.

Items (1) and (3) have been met. (1) The petition fee will be charged to deposit account 23-0442, as authorized. (3) The petition lists the last known address of non-signing inventor Jing Ping Liu as 6 Petir Road, Maysprings Condo, #14-14, Singapore 678267.

Item (2) has not been satisfied. Applicants claim that they are unable to locate Mr. Liu after a diligent effort, but applicants have not explained what efforts they have taken beyond mailing a package to his last known address. Applicants should attempt to locate a current address for Mr. Liu. Copies of documentary evidence, e.g. internet searches, that support a finding that the inventor could not be located after a diligent effort should be submitted. MPEP §409.03(d).

Item (4) has not been satisfied. Applicants have supplied declarations on behalf of the non-signing inventor by the applicant/inventors, but did not supply such a declaration by the legal representative of Dietmar Kruger. As such, not all of the available applicants have signed the declaration on behalf of the non-signing inventor.

Additionally, applicants have supplied one page 1, two pages 2 and one page 3. Each page two lists the same inventors, but the pages were separately executed. While it is acceptable for inventors to execute different copies of the declaration, applicants must supply the full copy of the declaration executed by each inventor. Applicants may not piece together pages from different declarations to create a composite declaration. It appears at least two copies of the declaration were executed. Applicants must supply complete declarations in compliance with 37 CFR 1.497(a)-(b).

REQUEST UNDER 37 CFR 1.42

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 C.F.R. 1.42.

The declaration is a composite of two declarations as discussed above. The declaration of the legal representative references being attached to one of the declarations, but it is not clear which one. As such, it does not list the applicant/inventors and their citizenships. A new declaration of the applicant/inventors and the legal representative in compliance with 37 CFR 1.42 and 37 CFR 1.497(a)-(b) is required.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice and applicants' request under 37 CFR 1.42 is **REFUSED**.

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(a) and Request Under 37 CFR 1.42". No additional petition fee is required.

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

Boris Milef
PCT Legal Examiner
PCT Legal Administration

E M. Pender
Erin M. Pender
Attorney Advisor
PCT Legal Administration

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

11 JAN 2005

#8

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET,
PO BOX 224
MONROE, CT 06468

In re Application of KRÜGER, Dietmar, et al. Application No.: 10/479,300 PCT No.: PCT/EP02/05773 Int. Filing Date: 24 May 2002 Priority Date: 26 May 2001 Attorney Docket No.: 536-009.5 For: TRANSISTOR, METHOD FOR PRODUCING AN INTEGRATED CIRCUIT AND METHOD FOR PRODUCING A METAL SILICIDE LAYER	DECISION ON PETITION UNDER 37 CFR 1.47(a) AND REQUEST UNDER 37 CFR 1.42

This is a decision on applicants' "Petition under 37 CFR 1.47(a) and Request Under 37 CFR 1.42," filed in the United States Patent and Trademark Office (USPTO) on 29 November 2004.

BACKGROUND

On 24 May 2002, applicants filed international application PCT/EP02/05773. A copy of the international application was transmitted to the Office on 05 December 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 November 2003.

On 26 November 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 17 May 2004, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 10 September 2004, applicants submitted the petition under 37 CFR 1.47(a) and the request under 37 CFR 1.42.

On 04 October 2004, the Office mailed a decision dismissing applicants' petition under 37 CFR 1.47(a) and refusing applicants' request under37 CFR 1.42.

On 29 November 2004, applicants submitted a renewed petition and request.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a)

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 after being presented with the application papers 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 nonsigning applicant.

Items (1) and (3) were previously satisfied.

Item (2) has been satisfied.

Item (4) has not been satisfied. The declaration does not list the deceased inventor and his citizenship. As such, the declaration does not comply with 37 CFR 1.497(a)-(b).

REQUEST UNDER 37 CFR 1.42

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 C.F.R. 1.42.

The declaration does not comply with 37 CFR 1.497(a)-(b) and 37 CFR 1.42. Though the declaration lists the required information for the other inventors and the legal representative. The declaration does not list the deceased inventor and his citizenship.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice and applicants' request under 37 CFR 1.42 is **REFUSED**.

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(a) and Request Under 37 CFR 1.42". No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450,

Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

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

08 FEB 2005

#10

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET,
PO BOX 224
MONROE, CT 06468

In re Application of KRÜGER, Dietmar, et al. Application No.: 10/479,300 PCT No.: PCT/EP02/05773 Int. Filing Date: 24 May 2002 Priority Date: 26 May 2001 Attorney Docket No.: 536-009.5 For: TRANSISTOR, METHOD FOR PRODUCING AN INTEGRATED CIRCUIT AND METHOD FOR PRODUCING A METAL SILICIDE LAYER	DECISION ON PETITION UNDER 37 CFR 1.47(a) AND REQUEST UNDER 37 CFR 1.42

This is a decision on applicants' "Renewed Petition under 37 CFR 1.47(a) and Request Under 37 CFR 1.42," filed in the United States Patent and Trademark Office (USPTO) on 24 January 2005.

BACKGROUND

On 24 May 2002, applicants filed international application PCT/EP02/05773. A copy of the international application was transmitted to the Office on 05 December 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 November 2003.

On 26 November 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 17 May 2004, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 10 September 2004, applicants submitted the petition under 37 CFR 1.47(a) and the request under 37 CFR 1.42.

On 04 October 2004, the Office mailed a decision dismissing applicants' petition under 37 CFR 1.47(a) and refusing applicants' request under 37 CFR 1.42.

On 29 November 2004, applicants submitted a renewed petition and request.

On 11 January 2005, the Office mailed Decision On Petition, dismissing applicants' petition and request without prejudice.

On 24 January 2005, applicants submitted a second renewed petition.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a)

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 after being presented with the application papers 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 nonsigning applicant.

Items (1), (2) and (3) were previously satisfied.

Item (4) has not been satisfied. Applicants have separately furnished an "added page to combined declaration". This declaration was not attached to the earlier declarations and only a single copy of the added page was furnished. When it was originally submitted, it accompanied a declaration that was refused for, among other reasons, being a composite declaration, pieced together from separately executed declarations. Applicants must furnish the declarations as executed by the inventors. Applicants may not piece together separately executed declarations, though the inventors may execute separate copies of the declaration.

REQUEST UNDER 37 CFR 1.42

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 C.F.R. 1.42.

The declaration does not comply with 37 CFR 1.497(a)-(b) and 37 CFR 1.42. Applicants have supplied multiple declarations, each of which was defective. The declaration must list each inventor, including the deceased, and each inventor's citizenship. Additionally, the declaration must list the legal representative, the capacity in which she signs, her citizenship, residence and mailing address. The declaration submitted must be as it was executed by the inventors and legal representative. Separate declarations may not be pieced together to create a composite declaration.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice and applicants' request under 37 CFR 1.42 is **REFUSED**.

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(a) and Request Under 37 CFR 1.42". No additional petition fee is required.

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

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

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

02 MAY 2005

#12

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET,
PO BOX 224
MONROE, CT 06468

In re Application of KRÜGER, Dietmar, et al. Application No.: 10/479,300 PCT No.: PCT/EP02/05773 Int. Filing Date: 24 May 2002 Priority Date: 26 May 2001 Attorney Docket No.: 536-009.5 For: TRANSISTOR, METHOD FOR PRODUCING AN INTEGRATED CIRCUIT AND METHOD FOR PRODUCING A METAL SILICIDE LAYER	DECISION ON PETITION UNDER 37 CFR 1.47(a) AND REQUEST UNDER 37 CFR 1.42

This is a decision on applicants' "Renewed Petition under 37 CFR 1.47(a) and Request Under 37 CFR 1.42," filed in the United States Patent and Trademark Office (USPTO) on 04 April 2005.

BACKGROUND

On 24 May 2002, applicants filed international application PCT/EP02/05773. A copy of the international application was transmitted to the Office on 05 December 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 November 2003.

On 26 November 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 17 May 2004, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 10 September 2004, applicants submitted the petition under 37 CFR 1.47(a) and the request under 37 CFR 1.42.

On 04 October 2004, the Office mailed a decision dismissing applicants' petition under 37 CFR 1.47(a) and refusing applicants' request under 37 CFR 1.42.

On 29 November 2004, applicants submitted a renewed petition and request.

On 11 January 2005, the Office mailed Decision On Petition, dismissing applicants' petition and request without prejudice.

On 24 January 2005, applicants submitted a second renewed petition.

On 08 February 2005, the Office mailed Decision On Petition Under 37 CFR 1.47(a) and Request Under 37 CFR 1.42.

On 04 April 2005, applicants submitted a third renewed petition.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a)

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 after being presented with the application papers 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 nonsigning applicant.

Items (1), (2) and (3) were previously satisfied.

Item (4) has now been satisfied.

REQUEST UNDER 37 CFR 1.42

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 C.F.R. 1.42.

The declaration submitted 04 April 2004 lists the inventors and their citizenships and the deceased inventor's legal representative and her citizenship, residence and mailing address. It complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **GRANTED** and applicants' request under 37 CFR 1.42 is **GRANTED**.

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.

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. The application has a date of 04 April 2005 under 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4).

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

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

02 MAY 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

Jing Ping Liu
6 Petir Road
Maysprings Condo, #14-14
Singapore 678267

In re Application of
KRÜGER, Dietmar, et al.
Application No.: 10/479,300
PCT No.: PCT/EP02/05773
Int. Filing Date: 24 May 2002
Priority Date: 26 May 2001
Attorney Docket No.: 536-009.5
For: TRANSISTOR, METHOD FOR PRODUCING AN INTEGRATED CIRCUIT AND METHOD FOR PRODUCING A METAL SILICIDE LAYER

Dear Mr. Liu:

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.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

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

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET,
PO BOX 224
MONROE, CT 06468

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

Huntsman Corporation
Legal Department
10003 Woodloch Forest
The Woodlands, TX 77380

Mail Date: 04/21/2010

Applicant	: Ranjana C Patel	: DECISION ON REQUEST FOR
Patent Number	: 7578958	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/479,303	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1092** 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.

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

17 JUL 2006

Robert M Siminski
Harness Dickey & Pierce
P O Box 828
Bloomfield Hills MI 48303

In re Application of EDWARDS et al. Serial No.: 10/479,323 PCT No.: PCT/US02/17375 Int. Filing Date: 31 May 2002 Priority Date: 01 June 2001 Attorney's Docket No.: 9050-008/USB For: WAVEFORM GENERATOR FOR MICRODEPOSITION CONTROL SYSTEM	DECISION ON PETITION UNDER 37 CFR 1.181

This decision is in response to applicant's submission filed 06 January 2006 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 copies of the declarations filed on 06 January 2006 in U.S. national stage application for international application PCT/US02/17353 in lieu of the original declarations filed in the USPTO on 17 June 2004.

On 26 November 2003, applicant filed the U.S. national stage application for international application PCT/US02/17375. These papers were assigned U.S. serial number 10/479,323.

On 20 April 2004, a Notification of Missing Requirements, identifying 10/479,323, was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 11 November 2005, applicants filed a Status Inquiry, indicating that applicant had filed a response to the Notification of Missing Requirements on 17 June 2004. On 22 December 2005, a Notification of Abandonment was mailed to applicant indicating that applicant failed to respond to the Notification of Missing Requirements.

On 06 January 2006, applicant filed the instant petition, requesting acceptance of a copy of the declarations filed 17 June 2004, accompanied by a copy of the declarations and the itemized postcard receipt with USPTO date-stamp 17 June 2004, indicating receipt of, *inter alia*, declarations executed by the inventors.

DISCUSSION

A review of the USPTO date-stamped, itemized postcard receipt indicates that two executed declarations and the surcharge for filing the declarations after the thirty month period were deposited, along with a copy of the 20 April 2004 Notice of Missing Requirements, in the USPTO on 17 June 2004.

The evidence submitted is sufficient to establish that these declarations were received in

the USPTO on 17 June 2004. Accordingly, it is appropriate to accept the copies of the declarations as a replacement for the missing original declarations with a deposit date of 17 June 2004.

A review of the declarations reveals that the declarations identify and are executed by each inventor, and state 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 accept a copy of the declarations filed on 06 January 2006 in application 10/479,323 with a filing date of 17 June 2004 is **GRANTED**. The surcharge of $65 for filing the declaration after the thirty month period will be charged to applicant's deposit account per their authorization.

The 22 December 2005 Notification of Abandonment is hereby **VACATED**.

The copy of the declarations originally submitted on 17 June 2004 and resubmitted on 06 January 2006 are acceptable and meet the requirements of 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **17 June 2004.**

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286

22 JUL 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

FISH & RICHARDSON
225 Franklin Street
Boston, MA 02110

In re Application of: JONSSON, Olafor, et al.
U.S. Application No.: 10/479,324
PCT No.: PCT/IS02/00011
Int'l Filing Date: 31 May 2002
Priority Date: 31 May 2001
Attorney's Docket No.: 16826-002US1
For: APPARATUS AND METHOD FOR MICROWAVE DETERMINATION OF AT LEAST ONE PHYSICAL PARAMETER OF A SUBSTANCE

DECISION ON PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' petition under 37 CFR 1.47(a), filed 28 April 2004. Applicants have paid the required petition fee.

BACKGROUND

On 31 May 2002, applicants filed international application PCT/IS02/00011 which claimed a priority date of 31 May 2001 and which designated the United States. On 05 December 2002, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 November 2003.

On 26 November 2003, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 17 February 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration acceptable under 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 28 April 2004, applicants filed a response to the Notification Of Missing Requirements, accompanied by the required one-month extension fee. The response included payment of the required surcharge, a declaration executed by two of the three named inventors, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of the remaining inventor, Alan John SANGSTER, whom applicants assert has refused to sign the application documents.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the nonsigning inventor; (3) an oath or declaration by the other inventors on behalf of the other inventors on behalf of themselves and the nonsigning inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have submitted the petition fee, and the petition sets forth the last known address of the inventor. Accordingly, items (1) and (2), above, are satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by two of the three inventors and including an unsigned signature box identifying the nonsigning inventor (Alan John SANGSTER). This declaration is treated as having been executed by the available inventors on their own behalf and on behalf of the nonsigning inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

Here, the evidence submitted to demonstrate Mr. SANGSTER's refusal to execute the application papers is contained in the "Declaration Of Facts As To Proof Of Unavailability Of Non-Signing Joint Inventor Alan John Sangster," executed by Einar Karl Fridriksson, and the exhibits thereto. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application. The submission also includes documentary evidence supporting the statement. Item (4) is therefore satisfied.

Based on the above, applicants have satisfied all the requirements for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted under 37 CFR 1.47(a) without the signature of inventor Alan John SANGSTER.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address set forth in the petition, and 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 for further processing in accord with this decision. The date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) is 28 April 2004.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

22 JUL 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

Alan John Sangster
Electrical, Electronic & Computer Engineering
School of Engineering & Physical Sciences
Heriot Watt University, Riccarton Campus
Edinburgh, EH14 4AS
UNITED KINGDOM

In re Application of: JONSSON, Olafor, et al.
U.S. Application No.: 10/479,324
PCT No.: PCT/IS02/00011
International Filing Date: 31 May 2002
Priority Date: 31 May 2001
Attorney's Docket No.: 16826-002US1
For: APPARATUS AND METHOD FOR MICROWAVE DETERMINATION OF AT LEAST ONE PHYSICAL PARAMETER OF A SUBSTANCE

Dear Mr. Sangster:

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:
Timothy A. French
FISH & RICHARDSON
225 Franklin Street
Boston MA 02110

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHERYL LIJESTRAND
TANOX INC
SUITE 110
10301 STELLA LINK
HOUSTON, TX 77025-5497

COPY MAILED

JAN 04 2008

OFFICE OF PETITIONS

In re Application of :
Ling-Ling An, et al. :
Application No. 10/479,326 : ON PETITION
Filed: April 29, 2004 :
Attorney Docket No. TNX01-02 :

This is a decision on the petition, filed September 4, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to a non-final Office action mailed March 3, 2006. No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 4, 2006. A Notice of Abandonment was mailed on October 23, 2006.

Petitioner seeks revival solely for obtaining copendency with a continuing application filed September 4, 2007, in that the necessary continuity was not maintained at that time.

Since this application is being revived for purposes of continuity and continuity having been established by this decision reviving the above-captioned application, the above-captioned application is again abandoned in favor of the continuing application.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/25/08

TO SPE OF : Technology Center 2629

10/479333

SUBJECT : Request for Certificate of Correction on Patent No.: 7224350 B2

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

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

Thank You For Your Assistance

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

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

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

Comments:

_____

_____

_____

_____

_____

SPE

2629
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4/25/08

Paper No.: _____

TO SPE OF : **Technology Center** 2629

10/479333

SUBJECT : Request for Certificate of Correction on Patent No.: 7224350 B2

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

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

Thank You For Your Assistance

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

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

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

Comments:

_____

_____

_____

_____

_____

SPE _____ **Art Unit** 2629

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : **February 06, 2008**

TO SPE OF : ART UNIT **1624**

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/479,352** Patent No.: **7105506 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.

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

Comments: _____

1624

UNITED STATES PATENT AND TRADEMARK OFFICE

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

13 FEB 2006

DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK NY 10150-5257

In re Application of :
ERZA DARSHAN et al. :
Serial No.: 10/479,373 :
PCT No.: PCT/IL02/00534 :
Int. Filing Date: 30 June 2002 : DECISION
Priority Date: 26 July 2001 :
Atty. Docket No.: 03231/0200584-USO :
For: SYSTEM FOR RANDOM ACCESS TO CONTENT:

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371 in the above referenced application and is in response to applicant's request for a corrected filing receipt originally filed in the United States Patent and Trademark Office (USPTO) on 18 June 2004 and refiled via facsimile on 27 May 2005 and 07 February 2006.

On 01 December 2003, within the thirty month deadline for filing a national stage application, applicant filed a transmittal requesting entry into national stage under 35 U.S.C. 371 along with the basic national filing fee.

On 12 May 2004, applicant filed a declaration executed by the inventors and in compliance with 37 CFR 1.497(a) and (b). On 10 June 2004 a Notification of Acceptance was mailed to applicant erroneously indicating that the requirements of 35 U.S.C. 371 had been met on 21 May 2004.

A review of the application file indicates that the declaration was filed on 12 May 2004 and met the requirements of 37 CFR 1.497(a) and (b), fulfilling the requirements of 35 U.S.C. 371(c)(2). In light of this fact, the Notification of Acceptance (Form PCT/DO/EO/903) issued on 10 June 2004 is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a corrected Notification of Acceptance and corrected filing receipt indicating the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **12 May 2004.**

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571)272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SHERIDAN ROSS
SUITE 1200
1560 BROADWAY
DENVER, CO 80202-5141

COPY MAILED

DEC 03 2007

OFFICE OF PETITIONS

In re Application of
Seiji NAKAMURA, et al
Application No. 10/479,376
Filed: December 1, 2003
Attorney Docket No. 3688ME-50

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 11, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Sheridan, Ross, P.C. , has been revoked by the assignee of the patent application on September 21, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: BRUCE BERNSTEIN
GREENBLUM & BERSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191-1441

30 SEP 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

Horst M Kasper
13 Forest Drive
Warren NJ 07059

In re Application of ANTUFJEW et al. Application No.: 10/479,383 Int'l Filing Date: 24 May 2002 Priority Date: 25 May 2001 Attorney Docket No.: JAA 219 For: MULTI STAGE PISTON-TYPE COMPRESSOR	DECISION ON PETITION

This is a decision on applicant's "Supplemental Response to Notification of Abandonment" treated as a petition under 37 CFR 1.182 to correct the U.S. application number on the transmittal letter filed in the United States Patent and Trademark Office (USPTO) 08 September 2005. The petition fee has been charged to applicant's deposit account per their authorization.

On 25 November 2003, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 directed to PCT/DE02/01887, accompanied by, *inter alia*, the basic national fee.

On 20 April 2004, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 17 May 2004, applicant filed a Response to the Notification of Missing Requirements along with German language declaration (with English translation) directed to PCT/DE02/01887 and executed by the joint inventors. The transmittal letter which accompanied the Response to the Notification referenced an incorrect U.S. serial number 10/419,383, rather than 10/479,383. The papers originally filed on 17 May 2004 have been located in application file 10/419,383.

On 18 February 2005, a Notification of Abandonment was mailed to applicant indicating that applicant had failed to respond to the Notification of Missing Requirements within the time period set therein.

On 17 May 2005, applicant filed the instant petition under 37 CFR 1.182 to correct the application number on the transmittal letter to U.S. application 10/479,363. Applicant filed a copy of the papers originally filed on 17 May 2004 and resubmitted on 04 March 2005, which also referenced the incorrect application number.

Applicant's petition under 37 CFR 1.182 to correct the national application no. to

10/479,363 on the papers filed on 13 May 2004 is **GRANTED**. The Notification of Abandonment mailed on 18 February 2005 is hereby **VACATED**.

Applicant is advised that the declaration of inventors filed 17 May 2004 is not in compliance with 37 CFR 1.69(b) since applicant did not use one of the pre-approved foreign language forms or furnished the requisite statement attesting to the accuracy of the translation. Applicant must respond within ONE (1) MONTH from the mail date of this decision.

Applicant's deposit account will be charged the $130 surcharge for filing the declaration after the thirty month period per his authorization.

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CONTINENTAL TEVES, INC.
One Continental Drive
Auburn Hills, MI 48326-1581

COPY MAILED

FEB 29 2008

In re Application of	:	
Iwan Antufjew *et al.*	:	
Application No. 10/479,383	:	DECISION ON PETITION
Filed: October 19, 2005	:	
Attorney Docket No. AG008	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed 28 January 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before 11 January 2008, as required by the Notice of Allowance and Fee(s) Due, mailed 11 October 2007. Accordingly, the date of abandonment of this application is 12 January 2008 .

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,440.00 and the publication fee of $300.00; (2) the petition fee of $1,540.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Allen C. Ho at (571) 272-6052.

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

David Bucci
Petitions Examiner
Office of Petitions

20 MAY 2004

44

UNITED STATES 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 M. Hill
Ward & Olivo
708 Third Avenue
New York, New York 10017

In re Application of	:
BATES, et al.	:
Application No.: 10/479,392	:
PCT No.: PCT/GB02/00787	: DECISION ON PETITION
Int. Filing Date: 27 February 2002	:
Priority Date: 27 February 2001	:
Attorney Docket No.: 644-050	:
For: IMPROVEMENTS RELATING TO SERVER SYSTEMS	:

This is a decision on applicant's "Petition to Revive an Unintentionally Abandoned Application Pursuant to 37 CFR 1.137(b)" filed in the Patent and Trademark Office (PTO) on 26 November 2003.

BACKGROUND

On 27 February 2002, applicants filed international application PCT/GB02/00787 which claimed a priority date of 27 February 2001, 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 06 September 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, 27 August 2003.

On 26 November 2003, applicants filed a transmittal letter for entry of the national stage in the United States accompanied by: a copy of the international application; an unexecuted declaration, a Petition for Revival for International Application for Unintentionally Abandoment under 37 CFR 1.137(b); and the requisite petition fee of $665.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With respect to item (1) above, the application file reveals that a proper response should include the proper papers and fees which meet the requirements of 35 U.S.C. 371 for entry into the national stage in the United States. A review of the application reveals that applicant has not filed the basic national fee. Since the petition did not include an authorization to charge any additional fees to counsel's deposit account, the national fee is considered to be unpaid.

As to Item (2), the appropriate petition fee of $665.00 as required by 37 CFR 1.17(m) was submitted.

With regard to Item (3), 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).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

The application is not in condition for entry into the national stage in the U.S. and thus it would be inappropriate to grant the petition at this time.

CONCLUSION

For the reasons above, the petition is **DISMISSED** without prejudice.

The application remains **ABANDONED** with regards to national stage processing in the United States.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

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

01 JUL 2004

#6

UNITED STATES 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 M. Hill
Ward & Olivo
708 Third Avenue
New York, New York 10017

In re Application of	:
BATES, et al.	:
Application No.: 10/479,392	:
PCT No.: PCT/GB02/00787	: DECISION ON PETITION
Int. Filing Date: 27 February 2002	:
Priority Date: 27 February 2001	:
Attorney Docket No.: 644-050	:
For: IMPROVEMENTS RELATING TO SERVER SYSTEMS	:

The renewed petition to revive under 37 CFR 1.137(b) filed 28 May 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 the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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 $65 surcharge for filing the oath or declaration after the thirty-month period is required.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (703) 308-6314
Fax: (703) 308-6459

11 FEB 2005

#9

UNITED STATES 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 M. Hill
Ward & Olivo
798 Third Avenue
New York, NY 10017

In re Application of	:	
BATES et al.	:	
Application No.: 10/479,392	:	
PCT No.: PCT/GB02/00787	:	DECISION ON PETITION
Int. Filing Date: 27 February 2002	:	UNDER 37 CFR 1.47(a)
Priority Date: 27 February 2001	:	
Attorney Docket No.: 644-050	:	
For: IMPROVEMENTS RELATING TO SERVER SYSTEMS	:	

This decision is in response to applicants' "Petition under 37 CFR 1.47(a)" filed 09 December 2004 to accept the application without the signature of joint-inventors, Phil Bates; Jeremy Young; and Sean Dynan. The required petition fee of $200.00 has been submitted.

BACKGROUND

On 27 February 2002, applicants filed international application PCT/GB02/00787 which claimed a priority date of 27 February 2001. 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, 27 October 2003.

On 26 November 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); a copy of the international application; a preliminary amendment; and a petition to revive under 37 CFR 1.137(b). In a decision dated 20 May 2004, applicants' under 37 CFR 1.137(b) was dismissed without prejudice.

On 25 May 2004, applicants filed a renewed petition under 37 CFR 1.137(b). In a decision dated 01 July 2004, applicants' petition under 37 CFR 1.137(b) was granted.

On 06 July 2004, 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 09 December 2004, applicants filed a petition under 37 CFR 1.47(a) and a three-month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning 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 Phil Bates; Jeremy Young; and Sean Dynan. The steps taken by David Hill are sufficient to show that Phil Bates; Jeremy Young; and Sean Dynan have refused to execute the application.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, 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 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 for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

11 FEB 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Phil Bates
Smithfold Barn
Chapel Road
Hay Field, High Peak
Derbyshire SK22 2JF

In re Application of
BATES et al.
Application No.: 10/479,392
PCT No.: PCT/GB02/00787
Int. Filing Date: 27 February 2002
Priority Date: 27 February 2001
Attorney Docket No.: 644-050
For: IMPROVEMENTS RELATING TO SERVER SYSTEMS

Dear Mr. Bates:

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

Counsel of Record:
David M. Hill
Ward & Olivo
798 Third Avenue
New York, NY 10017

11 FEB 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jeremy Young
Lord Wardens Dell
Bangor, County Down
Belfast BT19 1YP

In re Application of
BATES et al.
Application No.: 10/479,392
PCT No.: PCT/GB02/00787
Int. Filing Date: 27 February 2002
Priority Date: 27 February 2001
Attorney Docket No.: 644-050
For: IMPROVEMENTS RELATING TO SERVER SYSTEMS

Dear Mr. Young:

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

Counsel of Record:
David M. Hill
Ward & Olivo
798 Third Avenue
New York, NY 10017

11 FEB 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Sean Dynan
5 Arlington Drive
Blacks Road
Belfast BT10 0NQ

In re Application of
BATES et al.
Application No.: 10/479,392
PCT No.: PCT/GB02/00787
Int. Filing Date: 27 February 2002
Priority Date: 27 February 2001
Attorney Docket No.: 644-050
For: IMPROVEMENTS RELATING TO SERVER SYSTEMS

Dear Mr. Dynan:

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

Counsel of Record:
David M. Hill
Ward & Olivo
798 Third Avenue
New York, NY 10017

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOSEPH SOFER
SOFER & HAROUN
317 MADISON AVENUE, SUITE 910
NEW YORK, NY 10017

COPY MAILED

OCT 27 2008

OFFICE OF PETITIONS

In re Application of :
Damien Msndy :
Application No. 10/479,394 : DECISION ON PETITION
Filed: June 17, 2004 :
Attorney Docket No. 979-043 :

This is a decision on the petition, filed December 14, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the non-final Office action mailed May 1, 2007, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on November 23, 2007.

Petitioner asserts that the Amendment, Amendment Transmittal, Petition for three-month extension of time, Check for $1050 and Return Postcard was deposited with the United States Postal Service on November 1, 2007 with sufficient postage as first-class mail. The evidence submitted with the petition on December 14, 2007 is unacceptable. In this regards, there was on statement that certify the papers being deposited on November 1, 2007 with the U.S. Postal Service as first class mail and with the appropriate signature. Further, the returned postcard receipt was not stamped by the U.S. Patent and Trademark Office, which show that the papers would have been received.

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 $1050 extension of time submitted with the petition on November

5, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's deposit account.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1620 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOSEPH SOFER
SOFER & HAROUN
317 MADISON AVENUE, SUITE 910
NEW YORK, NY 10017

MAILED

OCT 23 2009

OFFICE OF PETITIONS

In re Application of
Damien Msndy
Application No. 10/479,394
Filed: June 17, 2004
Attorney Docket No. 979-043

DECISION ON PETITION

This is a decision on the renewed petition, filed December 29, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. Note 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the non-final Office action mailed May 1, 2007, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on November 23, 2007.

Petitioner asserts that "the copy of the Amendment submitted on November 1, 2007 included a Certificate of Mailing under 37 CFR 1.8(a) identifying the Amendment, signed by the appropriate party and dated November 1, 2007."

See 37 C.F.R. § 1.8

> (1) Correspondence will be considered as being timely filed if:
>
> (i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in § 1.1(a) and
Deposited with the U.S. Postal Service with sufficient
Postage as first class mail;

The paper received November 5, 2007 "CERTIFICATE OF MAILING (37 C.F.R. 1.8a)" is improper. There was no Certificate of Mailing (37 C.F.R. § 1.8) received.

MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." The November 5, 2007 post card receipt is an untimely showing.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1620 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOSEPH SOFER
SOFER & HAROUN
317 MADISON AVENUE, SUITE 910
NEW YORK, NY 10017

COPY MAILED

OCT 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Damien Msndy	:	
Application No. 10/479,394	:	DECISION ON PETITION
Filed: June 17, 2004	:	
Attorney Docket No. 979-043	:	

CORRECTED DECISION

This is a decision on the petition, filed December 29, 2008, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED.**

This application was held abandoned for failure to timely respond to the Office action of May 1, 2007, which set a three (3) month shortened statutory period for reply. Three month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, a reply was due on or before November 1, 2007.

Petitioner states that a timely reply was mailed via certificate of mailing on November 1, 2007, which included the following papers: amendment, transmittal, and three month extension of time. Office record show a copy of the mailed correspondence, which bears a certificate of mailing date November 1, 2007, is timely received.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of May 1, 2007 is hereby withdrawn and the application restored to pending status.

The decision mailed October 23, 2009 is hereby vacated as of the mailed date of this decision.

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

This application is being referred to Technology Center AU 2612 for appropriate action in the normal course of business on the reply received November 5, 2007 (certificate of mailing November 1, 2007).

Irvin Dingle
Petitions Examiner
Office of Petitions

16 NOV 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

David M. Hill
Ward & Olivo
708 Third Avenue
New York, New York 10017

In re Application of	:
ROBB, Jamie	:
Application No.: 10/479,396	:
PCT No.: PCT/GB02/00695	: DECISION ON PETITION
Int. Filing Date: 18 February 2002	:
Priority Date: 27 February 2001	:
Attorney Docket No.: 644-049	:
For: REMOTE MANAGEMENT OF COMPUTERS	:

The petition to revive under 37 CFR 1.137(b) filed 14 September 2004 in the above-captioned application is hereby GRANTED as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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 $65 surcharge for filing the oath or declaration after the thirty-month period is required.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

22 APR 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

David M. Hill
Ward & Olivo
708 Third Avenue
New York, New York 10017

In re Application of	:
ROBB, Jamie	:
Application No.: 10/479,396	:
PCT No.: PCT/GB02/00695	: DECISION ON PETITION
Int. Filing Date: 18 February 2002	:
Priority Date: 27 February 2001	:
Attorney Docket No.: 644-049	:
For: REMOTE MANAGEMENT OF COMPUTERS	:

This decision is in response to applicant's "Petition under 37 CFR 1.47(b)" filed 23 March 2005 to accept the application without the signature of inventor, Jamie Robb. The petition fee has been submitted.

BACKGROUND

On 18 February 2002, applicant filed international application PCT/GB02/00695 which claimed a priority date of 27 February 2001, 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 06 September 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, 27 August 2003.

On 26 November 2003, applicant filed a transmittal letter for entry of the national stage in the United States accompanied by: a copy of the international application; an unexecuted declaration, a Petition for Revival for International Application for Unintentionally Abandonment under 37 CFR 1.137(b); and the requisite petition fee of $665. In a decision dated 26 August 2004, the petition under 37 CFR 1.37(b) was dismissed without prejudice.

On 14 September 2004, applicant filed a renewed petition under 37 CFR 1.137(b) which was granted in a decision dated 16 November 2004.

On 18 November 2004, 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 23 March 2005, applicant filed the present petition under 37 CFR 1.47(b) with a two-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 items (1);(4) and (6). However, items (2); (3); and (5) have not been satisfied.

As to item (2), petitioner states that Jamie Robb cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that petitioner has not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventor, Jamie Robb. The "Declaration of Facts in Support of Filing on Behalf of Omitted Inventor under 37 CFR 1.47" states that, "the first letter dated October 28, 2004, was sent via Federal Express to the sole inventor, Mr. Jamie Robb . . . On November 18, 2004, the letter sent to Mr. Robb was returned by Federal Express to the above-listed Ward Olivo address as undeliverable." Petitioner has provided a copy of the FedEx tracking report but fails to include evidence of any other attempts made to locate the nonsigning inventor. The single mailing of the papers to the nonsigning inventor's last known address does not constitute a "diligent" effort to locate the inventor. Applicants must show that alternative means were

employed, such as a search of telephone and/or Internet directories, in an attempt to locate Jamie Robb.

Lastly, the mailing to CCC Network Systems Group Limited cannot be considered because the application papers were not sent to the proper person. Pursuant to MPEP 409.03(d), the complete application should be mailed 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. CCC Network Systems Group Limited does not appear to be the nonsigning inventors counsel and the application does not appear to have been mailed to the nonsigning inventors last known address.

Concerning item (4), an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor has not been submitted.

Regarding 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 CCC Network Systems Group Limited. 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.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Jamie Robb 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.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

18 OCT 2005

#11

UNITED STATES PATENT AND TRADEMARK OFFICE

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

David M. Hill
Ward & Olivo
708 Third Avenue
New York, New York 10017

In re Application of ROBB, Jamie Application No.: 10/479,396 PCT No.: PCT/GB02/00695 Int. Filing Date: 18 February 2002 Priority Date: 27 February 2001 Attorney Docket No.: 644-049 For: REMOTE MANAGEMENT OF COMPUTERS	DECISION ON PETITION

This decision is in response to applicants' "Renewed Petition Under Rule 1.47(b)" and "Petition under 37 CFR 1.137(b)" filed 26 September 2005. In a decision dated 22 April 2005, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of the sole inventor, Jamie Robb, was dismissed.

A. Renewed Petition under 37 CFR 1.47(a)

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 26 September 2005 with the present renewed petition was executed by the named inventor, the previous non-signing inventor, Jamie Robb. The declaration filed 26 September 2005 is acceptable under 37 CFR 1.497.

B. Petition under 37 CFR 1.137(b)

The period to respond to the Decision on Petition under 37 CFR 1.47(b) dated 22 April 2005 was due on or before 22 June 2005. However, pursuant to the provisions of 37 CFR 1.136(a), extensions of time are allowable up to 22 November 2005. The Renewed Petition under 37 CFR 1.47(a) and the executed declaration were received on 26 September 2005. Pursuant to 37 CFR 1.136(a), the Fee transmittal letter includes authorization to charge the required four-month extension time of fee. Accordingly, the petition to revive was filed prematurely. In view thereof, the petition to revive is unnecessary and is dismissed as moot. Deposit Account No. 23-0420 will be charged a four-month extension of time fee ($795) and will be refunded the $750 petition fee.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

For the reasons above, the renewed petition under 37 CFR 1.137(b) is **DISMISSED** as **MOOT**.

The application has an international filing date of 18 February 2002 under 35 U.S.C. 363 and a date of **26 September 2005** under 35 U.S.C. 371(c).

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: (571) 272-3298
Facsimile: (571) 273-0459

28 APR 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

Burns Doane Swecker & Mathis LLP
PO Box 1404
Alexandria, VA 22313-1404

In re Application of SMIT, Berend Jakobus et al. Application No.: 10/479,410 PCT No.: PCT/IB02/01655 Int. Filing Date: 15 May 2002 Priority Date: 15 May 2001 Docket No.: 025455-112 For: RADIATION APPLICATION METHOD AND DEVICE	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' "Petition to Revive Unintentionally Abandoned Application," filed in the above-captioned application on 03 December 2003 is **GRANTED**.

Applicants' statement that the delay in response was unintentional is construed to mean "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). If this understanding is not correct, applicants must notify the office immediately. The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the fee for late filing of the oath or declaration are required.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

24 MAY 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

#3

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

Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Blvd., Suite 1400
Arlington, VA 22201

In re Application of	:	
Ozawa et al.	:	
Application No. 10/479,416	:	DECISION ON
PCT No.: PCT/JP02/05459	:	
Int. Filing Date: 03 June 2002	:	PETITION UNDER
Priority Date: 01 June 2001	:	
Atty. Docket No.: TAKIT-186	:	37 CFR 1.137(b)
For: Ink-Jet Recording Medium	:	
Of Plain Paper Type	:	

This is in response to the petition under 37 CFR 1.137(b) filed on 03 December 2003.

BACKGROUND

This international application was filed on 03 June 2002, claimed an earliest priority date of 01 June 2001, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 01 December 2003. 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 required reply (in the form of the basic national fee) accompanied the petition.

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

Regarding requirement (3), the petition includes an appropriate statement.

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

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED** as to the national stage in the United States.

Counsel's Deposit Account No. 13-3402 is being charged in the amount of $130.00 for the surcharge under 37 CFR 1.492 (e), as authorized by the Transmittal Letter.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371 (c)(1), (2) and (4) Is **03 December 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUDGE PATENT ASSOCIATES
DOJIMA BUILDING, 5TH FLOOR
6-8 NISHITEMMA 2-CHOME, KITA-KU
OSAKA-SHI 530-0-047 JP JAPAN

MAILED

JUN 04 2010

OFFICE OF PETITIONS

In re Application of
Yukihiro Oishi et al.
Application No. 10/479,433
Filed: November 29, 2003
Attorney Docket No. 039.0021

: DECISION GRANTING PETITION

This is a decision on the petition filed April 23, 2010 under 37 CFR 1.137 (b) to revive the above-identified application.

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

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed March 17, 2009, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on May 19, 2009. *See* MPEP 1215.04. Accordingly, a Notice of Abandonment was mailed December 22, 2009.

Comes now petitioner with the instant petition to revive and an Appeal Brief under 37 CFR 41.37.

This application is being forwarded to Technology Center 1793 for review of the Appeal Brief filed April 23, 2010.

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

HARNESS, DICKEY & PIERCE
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

COPY MAILED

AUG 2 5 2004

OFFICE OF PETITIONS

NOTICE

In re Application of :
Willhoeft et al :
Application No. 10/479,448 :
Filed: April 20, 2004 :
Attorney Docket No. 7395-000010 :

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 undersigned at (703) 305-8859.

This file is being referred to Technology Center AU 2655.

Karen Creasy

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

13 MAY 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

LADAS & PARRY
5670 Wilshire Boulevard
Suite 2100
Los Angeles, California 90036-5679

In re Application of	:	DECISION ON
Patrick J. LYNCH	:	
Application No.: 10/479,451	:	
PCT No.: PCT/EP01/08160	:	PETITION UNDER
Int. Filing Date: 13 July 2001	:	
Priority Date: NA	:	
Attorney's Docket No.: B-5354PCT621547-1	:	
For: A PRINTHEAD FOR A PRINTER CARTRIDGE	:	37 CFR 1.10 (c)

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.10" filed on 25 January 2005 requesting that the 371(c)(1), (c)(2), and (c)(4) date of 23 August 2004 be changed to 19 August 2004 for the above identified application.

BACKGROUND

This petition is to correct the 371(c)(1), (c)(2), and (c)(4) date of the above application that was purported to have met all of the requirements under 35 U.S.C. 371 on 19 August 2004 since an executed declaration was submitted on such date.

On 25 January 2005, petitioner filed the present petition. The petition includes, *inter alia*, a copy of the customer receipt "Express Mail" Label No.: EV 258281764 US with a "date in" of 19 August 2004.

DISCUSSION

37 CFR 1.10(c) provides:

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 petition was filed promptly. 37 CFR 1.10(c)(1). In addition, a review of the application papers reveals that "Express Mail" Label No. EV 258281764 US was on applicants' cover letter filed on January 25, 2005 in response to the notification. CFR 1.10(c)(2). Finally, the copy of the customer receipt of "Express Mail" Label No. EV 258281764 US filed with the present petition identifies the day of deposit as "19 August 2004." 37 CFR 1.10(c)(3). Accordingly, the requirements under 37 CFR 1.10(c) have been satisfied.

The date of receipt of the executed declaration for the above application is 19 August 2004, which is the date that petitioner satisfied the requirement under 35 U.S.C. 371(c)(4). Accordingly, this is the date that all of the requirements under 35 U.S.C. 371 have been satisfied.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 01 September 2004 is **VACATED** with the mailing of this decision.

CONCLUSION

For reasons above, the petition under 37 CFR 1.10(c) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371 including the preparation and mailing of a new Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **19 August 2004.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

10 JUN 2004

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Joseph P. Carrier
Carrier, Blackman & Associates, PC
24101 Novi Road, Suite 100
Novi, Michigan 48375

In re Application of	:	
INOUE, Masayuki	:	
Application No.: 10/479,452	:	
PCT No.: PCT/JP02/05173	:	DECISION ON PETITION
Int. Filing Date: 29 May 2002	:	
Priority Date: 13 June 2001	:	
Attorney Docket No.: KPO-117-A	:	
For: CHECK RESERVING SYSTEM		

This decision is in response to applicant's "Petition to Accept Declaration on Behalf of Assignee or Owner of Exclusive Rights in Place of Non-Signing Inventor under 37 CFR 147(b)" filed 12 May 2004 which is being treated as a Petition under 37 CFR 1.47(b). The petition fee will be charged to Deposit Account no. 50-0744 as authorized.

BACKGROUND

On 29 May 2002, applicant filed international application PCT/JP02/05173 which claimed a priority date of 13 June 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 27 December 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, 02 December 2003.

On 02 December 2003, applicant 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; and a preliminary amendment.

On 22 April 2004, the United States Designated/Elected Office mailed "Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required.

On 12 May 2004, applicant filed the present petitions 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. Items (1) through (3), (4) and (6) under 37 CFR 1.47(b) have been satisfied.

Regarding item (2) above, petitioner states that Masayuki Inoue cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47. Such a petition will be dismissed as inappropriate.
>
> The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

A review of the present petition reveals that applicants have not provided an acceptable showing that a diligent effort was made to reach the non-signing inventor, Masayuki Inoue. The Declaration of Takumi Takashi states that, "I have made a diligent effort to locate retired inventor Masayki Inoue and obtain his signature on a declaration . . . I have been unsuccessful in such efforts because I was not able to locate Mr. Inoue," however, no documentary evidence to support the attempt(s) was provided with the declaration. Were any of the letters mailed to the last known address returned or stamped by the courier as undeliverable? As stated above, copies of documentary evidence such as a

certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts. Lastly, the single mailing of the papers to the nonsigning inventor's last known address does not constitute a "diligent" effort to locate the inventor. Applicant must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate Masayuki Inoue.

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 Honda Giken Kogyo Kabushiki Kaisha. The declaration of Hiroshi Okubo states that Masayuki Inoue is obligated to assign all of his rights, title, and interest in the subject to Honda Giken Kogyo Kabushiki Kaisha, however, the employment agreement/regulation has not been provided with the petition. Additionally, an affidavit or declaration must be submitted by 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. Therefore, further evidence is required to establish that the assignment in fact constitutes an assignment of the instant application to Honda Giken Kogyo Kabushiki Kaisha.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Masayuki Inoue under 37 CFR 1.47(b) at this time.

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) MONTH** 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.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (703) 308-6314
Fax: (703) 308-6459

16 NOV 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

Joseph P. Carrier
Carrier, Blackman & Associates, PC
24101 Novi Road, Suite 100
Novi, Michigan 48375

In re Application of	:	
INOUE, Masayuki	:	
Application No.: 10/479,452	:	
PCT No.: PCT/JP02/05173	:	DECISION ON PETITION
Int. Filing Date: 29 May 2002	:	
Priority Date: 13 June 2001	:	
Attorney Docket No.: KPO-117-A	:	
For: CHECK RESERVING SYSTEM		

This decision is in response to applicant's "Request for Reconsideration of Decision Dismissing Petition under 37 CFR 1.47(b)" filed 13 September 2004. In a decision dated 10 June 2004, applicant's petition under 37 CFR 1.47(b) to accept the application without the signature of inventor, Masayuki Inoue, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(b) is moot since the declaration filed 13 September 2004 with the present renewed petition was executed by the named inventor, the previous non-signing inventor, Masayuki Inoue. The declaration filed 13 September 2004 is acceptable under 37 CFR 1.497.

CONCLUSION

For the reasons above, the renewed petition is **DISMISSED** as MOOT. The application need not be returned to this Office for any further consideration of Rule 1.47 status and no such status should be indicated on this application file.

The application has an international filing date of 29 May 2002 under 35 U.S.C. 363 and a date of **13 September 2004** under 35 U.S.C. 371(c).

This application is being returned to the United States/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

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

PARFOMAK, ANDREW N.
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVE, 8TH FLOOR
NEW YORK, NY 10022

Mail Date: 04/21/2010

Applicant	: Willi Grab	: DECISION ON REQUEST FOR
Patent Number	: 7585535	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/479,453	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1412** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

COPY MAILED

AUG 24 2007

OFFICE OF PETITIONS

In re Application of	:	
Alessandro Ginocchio, et. al.	:	
Application No. 10/479,484	:	DECISION ON PETITION
Filed: June 4, 2004	:	
Attorney Docket No. 05788.0278	:	

This is a decision on the petition under 37 CFR 3.81(b)[1] filed on August 13, 2007, to correct the name of the assignee on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is Prysmian Cavi e Sistemi Energia S.r.l. and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

---

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that Prysmian Cavi e Sistemi Energia S.r.l. 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.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

Andrea Smith
Petitions Examiner
Office of Petitions

IFW
2836

NEIFELD IP LAW, P.C.
2001 Jefferson Davis Highway
Suite 1001
Arlington, VA 22202

OIPE JC139
AUG 17 2004
PATENT & TRADEMARK OFFICE

Tel: 703-415-0012
Fax: 703-415-0013
Email: rneifeld@Neifeld.com
Web: www.Neifeld.com

TRANSMITTAL LETTER AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

ASSISTANT COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

RE: Attorney Docket No.: X2YA0025UPCT-US
Application Serial No.: 10/479,506
Filed: 12/10/03
International Application No.: PCT/US02/21238
PCT Filed: 07/02/02
Title: Arrangements for Energy Conditioning
Inventor: Anthony Anthony et al.
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 (5:33pm)
Y:\Clients\X2YA\X2YA0025\X2YA0025UPCT-US\Drafts\Trans Ltr_040816.wpd

8-13-04 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: 8-20-04
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_X2YA0010UUS_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

RECEIVED
APR 2 2 2004
OPLA

Title: Universal Energy Conditioning Interposer with Circuit Architecture

and relating to the following 24 applications:

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

29 NOV 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

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

In re Application of SHIMOJIMA et al	:	
U.S. Application No.: 10/479,518	:	
PCT Application No.: PCT/JP02/05646	:	DECISION
Int. Filing Date: 07 June 2002	:	
Priority Date Claimed: 11 June 2001	:	
Attorney Docket No.: P24664	:	
For: CONTENT MANAGEMENT SYSTEM	:	

This is in response to applicant's "Renewed Request for Refund" filed 14 November 2005.

BACKGROUND

On 07 June 2002, applicant filed international application PCT/JP02/05646, which claimed priority of an earlier Japan application filed 11 June 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 19 December 2002. The thirty-month period for paying the basic national fee in the United States expired on 11 December 2003.

On 10 December 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 14 November 2005, applicant filed the present request for refund under 37 CFR 1.26(a).

DISCUSSION

37 CFR 1.26(a) states in relevant part,

> The Commissioner may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent or trademark filing for which the fee was paid,

> including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee.

The present request states that applicant was charged $72.00 for excess claim fees which should not have been due since applicant filed a translation of PCT Article 19 amendments by thirty months from the priority date. Such amendments cancelled four claims.

MPEP 1893.01(a)(2) states in relevant part,

> Applicants entering the national stage in the U.S. are encouraged to submit an amendment in accordance with 37 CFR 1.121 rather than an English translation of an Article 19 amendment. Sometimes when an Article 19 amendment is translated into English, it cannot be entered. That is, each page of an Article 19 amendment must be entered by substituting a page of amendment for the corresponding page of claims of the international application. After translation of a page, the translated page may no longer correspond to a page of the claims of the international application such that the amendment is capable of entry by substituting the page of English translation (of the amendment) for the corresponding page of claims of the international application without leaving an inconsistency. Where applicant chooses to submit an English translation of the Article 19 amendment, applicant should check to be sure that the English translation can be entered by substituting the pages of translation for corresponding pages of the claims of the international application without leaving an inconsistency. If entry of the page of translation causes inconsistencies in the claims of the international application the translation will not be entered. For example, if the translation of the originally filed application has a page which begins with claim 1 and ends with a first part of claim 2 with the remainder of claim 2 on the next page then translation of the Article 19 amendment to only claim 1 must include a substitute page or pages beginning with the changes to claim 1 and ending with the last of the exact same first part of claim 2. This enables the original translated first page of claims to be replaced by the translation of the amendment without changing the subsequent unamended page(s). Alternatively, applicant may submit a preliminary amendment in accordance with 37 CFR 1.121. (Emphasis added.)

A review of the translation of the Article 19 amendments reveals that the translation cannot be entered by substituting the pages of translation for corresponding pages of the claims of the international application without leaving an inconsistency. Therefore, the translation will not be entered, and thus claims 1, 2, 4, and 5 are not cancelled by the Article 19 amendment. Accordingly, a refund of the excess claim fees is not indicated in the present case.

CONCLUSION

For the reasons above, the request for refund is DISMISSED without prejudice.

If reconsideration on the merits of this decision 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 Request for Refund Under 37 CFR 1.26".

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
Office of PCT Legal Administration

Telephone: 571-272-3303
Facsimile: 571-273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/10/08

Paper No.: _____

TO SPE OF : ART UNIT 2891

SUBJECT : Request for Certificate of Correction on Patent No.: 7348647

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location 7580, Certificates of Correction Branch – South Tower – 9A22
If response is for an IFW, return to employee (named below) via PUBSCofC Team in MADRAS.
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Valerie Jackson

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 114

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ Approved — All changes apply.
- ☐ Approved in Part — Specify below which changes do not apply.
- ☐ Denied — State the reasons for denial below.

Comments:

KBryant
SPE

2891
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

7/13/09

Patent No. :7084139
Ser. No. :10/479534
Inventor(s) :Chan et al.
Issued : 8/1/06
Title : PYRROLIDIN 2 ONE DERIVATIVES AS INHIBITORS OF FACTOR XA
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
40l 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
Decisions & Certificates
of Correction Branch
(703) 756-1571

GLAXOSNITHKLINE
Corporate Intellectual Property
Mai B475, Five Moore Drive
P.O. BOX 13398
Research Triangle Park, NC 27709-3398

HR

16 DEC 2004

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

David A. Casimir
Medlen & Carroll, LLP
Suite 350
101 Howard Street
San Francisco, CA 94105

In re Application of LUCA, Vittorio Application No.: 10/479,540 PCT No.: PCT/AU01/00645 Int. Filing Date: 31 May 2001 Priority Date: NONE Attorney Docket No.: SPRUSON-08476 For: INORGANIC ION EXCHANGERS FOR REMOVING CONTAMINANT METAL IONS FROM LIQUID STREAMS	DECISION ON PETITION UNDER 37 CFR 1.182

This decision is in response to applicant's "Response to Notification of Defective Response," filed on 07 October 2004. It has been treated as a petition under 37 CFR 1.182.

BACKGROUND

On 31 May 2001, applicant filed international application PCT/AU01/00645. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 05 December 2002. A demand for international preliminary examination was filed 15 November 2002, prior to the expiration of nineteen months from the priority date. The deadline for entry into the national stage in the United States was thirty months from the priority date, 01 December 2003 (30 November 2003 was a Sunday).

On 01 December 2003, applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by the basic national fee.

On 09 April 2004, the Office mailed Notification of Missing Requirements indicating that a declaration in compliance with 37 CFR 1.497(a)-(b), the fee for late submission of the oath or declaration and additional claim fees were required.

On 10 June 2004, applicant supplied a response to the Notification, including an executed declaration.

On 07 September 2004, the Office mailed Notification of Defective Response indicating that the inventor's name on the declaration did not match the name on the international application.

On 07 October 2004, applicants submitted "Response to Notification of Defective Response". It has been treated as a petition under 37 CFR 1.182.

DISCUSSION

Applicants have supplied a statement signed by "Vittorio Luca" stating that "Vittorio Luca" and "Victor Luca" are one and the same person and that "Vittorio Luca" is applicant's legal name. This is an adequate explanation.

CONCLUSION

For the above reasons, the Petition Under 37 CFR 1.182 is **GRANTED**.

The application has an international filing date of 31 May 2001 under 35 U.S.C. §363 and a date under 35 U.S.C. §§371(c)(1), (c)(2) and (c)(4) of 10 June 2004. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070530

DATE : May 30, 2007

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction on Patent No.: 7,186,717

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:

JOSEPH K. McKANE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

SPE: Joseph McKane **Art Unit** 1626

02 NOV 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

HAHN LOESER & PARKS, LLP
ONE GOJO PLAZA
SUITE 300
AKRON, OH 44311-1076

In re Application of CURNOW et al	:	
U.S. Application No.: 10/479,548	:	
PCT Application No.: PCT/AU02/00699	:	DECISION
Int. Filing Date: 03 June 2002	:	
Priority Date Claimed: 04 June 2001	:	
Attorney Docket No.: 117305.00012	:	
For: INSECT TRAP	:	

This is in response to the correspondence filed 07 September 2004, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 03 June 2002, applicant filed international application PCT/AU02/00699, which claimed priority of an earlier Australia application filed 04 June 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 12 December 2002. The thirty-month period for paying the basic national fee in the United States expired on 04 December 2003.

On 03 December 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 02 April 2004, 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 07 September 2004, applicant filed the present request for status under 37 CFR 1.42 along with executed declarations.

DISCUSSION

37 CFR 1.42 provides, "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."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration executed by Tanya Vellacott as the legal representative of Brian Keith Curnow is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration executed by Charles Kenneth Curnow is improper because it is illegible.

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: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK NY 10023

COPY MAILED
DEC 10 2007
OFFICE OF PETITIONS

In re Application of
Magnani et al.
Application No. 10/479,551
Filed: June 9, 2004
Attorney Docket No. U 014926-0

ON PETITION

This is a decision on petition to withdraw the holding of abandonment under 37 CFR 1.181 filed July 25, 2007.

The petition to withdraw the holding of abandonment is **Dismissed**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This above-identified application was held abandoned for failure to timely reply to the restriction requirement mailed November 28, 2006. The Restriction Requirement set a one (1) month shortened statutory period for reply. A reply was not received. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application was held abandoned on December 29, 2006. A Notice of Abandonment was mailed on July 13, 2007.

Petitioner asserts that a reply to the Restriction Requirement was submitted on December 15, 2006. As evidence, petitioner has submitted a copy of the reply which contains a certificate of mailing dated December 15, 2006 pursuant to 37 CFR 1.8.

Pursuant to 37 CFR 1.8, correspondence will be considered timely if the party who forwarded such correspondence:

> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. The Office may require additional evidence to determine if the correspondence was timely filed.

Petitioner has failed to meet requirement (3). Although petitioner has provided a statement as to the previous mailing of the reply to the restriction requirement, the Office requires additional evidence. Specifically a review of the record shows that during an interview conducted on June 6, 2007 the examiner was informed that the applicants decided to abandon the application. Additional evidence/statement should be provided to establish that the correspondence was timely mailed and the that the application was not abandoned.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

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

COPY MAILED

MAR 04 2008

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of
Magnani et al.
Application No. 10/479,551
Filed: June 9, 2004
Attorney Docket No. U 014926-0

ON PETITION

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 filed December 26, 2007.

This above-identified application was held abandoned for failure to timely reply to the restriction requirement mailed November 28, 2006. The Restriction Requirement set a one (1) month shortened statutory period for reply. A reply was not received. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application was held abandoned on December 29, 2006. A Notice of Abandonment was mailed on July 13, 2007. A petition filed under 37 CFR 1.181 was dismissed on December 10, 2007.

The petition is **GRANTED**.

Petitioner asserts that a reply to the Restriction Requirement was submitted on December 15, 2006. As evidence, petitioner has submitted a copy of the reply which contains a certificate of mailing dated December 15, 2006 pursuant to 37 CFR 1.8.

Pursuant to 37 CFR 1.8, correspondence will be considered timely if the party who forwarded such correspondence:

> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. The Office may require additional evidence to determine if the correspondence was timely filed.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of November 28, 2006 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on December 15, 2006.

This application is being referred to Technology Center AU 1626 for appropriate action in the normal course of business on the reply received with petition.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Oliff & Berridge
P.O. Box 19928
Alexandria, VA 22320

COPY MAILED

SEP 06 2006

OFFICE OF PETITIONS

In re Application of	:	
Brigitte Incaurgarat et al.	:	
Application No. 10/479,571	:	DECISION ON PETITION
Filed: January 20, 2004	:	TO WITHDRAW
Attorney Docket No. 117901	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed July 11, 2006.

The request is **APPROVED**.

A review of the file record indicates that Melanie L. McCollum: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Melanie L. McCollum has/have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

All other attorneys remain of record.

There is no outstanding Office action at this time.

The correspondence address remains unchanged.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Amelia Au
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

COPY MAILED

MAR 3 1 2008

OFFICE OF PETITIONS

FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

In re Application of :
Swann, et al. : LETTER REGARDING PTA
Application No. 10/479,583 :
Filed: June 16, 2004 :
Atty. Dkt. No.: 083900-0160 :

This letter is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT," filed November 12, 2007. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed August 15, 2007 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 85 days. Applicants disagree with this adjustment and request verification of the calculation of adjustment.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 83 days.

As reflected in the Determination of Patent Term Adjustment mailed August 15, 2007, an adjustment of 114 days in accordance with 37 CFR 1.702(a)(1) and 1.702(a)(1) can be attributed to the Office connection with the restriction requirement mailed January 6, 2006.

As further reflected in the Determination of Patent Term Adjustment mailed August 15, 2007, the adjustment is properly reduced 29 days in accordance with 37 CFR 1.704(b) in connection with the response filed May 23, 2007 in response to the non-final Office action mailed January 24, 2007.

The Office inadvertently neglected to assess a reduction in connection with the reply to the restriction requirement mailed December 8, 2005. An initial reply was submitted January 6, 2006 but contained an omission. Subsequent submissions were made March 3, 2006 and May 17, 2006.

In accordance with 37 CFR 1.704(c)(7), the adjustment is properly reduced 131 days, commencing January 7, 2006, the day

after the date that the initial reply to the restriction requirement having an omission was filed, and ending May 17, 2006, the date that reply correcting the omission was filed.

Further review of the record reveals that a non-final rejection was mailed January 24, 2007. Thus, the application is entitled to an adjustment of 129 days under 37 CFR 1.702(a)(2). The adjustment commenced September 18, 2006, the day after the date that is four months after the date that a reply under 37 CFR 1.111 was filed, and ended January 24, 2007, the date non-final rejection was mailed. *See*, 37 CFR 1.703(a)(2).

Accordingly, at the time of allowance, the application is entitled to an adjustment 83 days (adjustment for Office delays totalling 243 days and reductions of applicants delays totalling 160 day).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Patent Publication for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

Day : Friday
Date: 3/28/2008

PALM INTRANET

Time: 17:41:07

PTA Calculations for Application: 10/479583			
Application Filing Date:	06/16/2004	PTO Delay (PTO):	114
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	29
Post-Issue Petitions:	0	Total PTA (days):	83
PTO Delay Adjustment:	-2		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
70	03/28/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	129		
69	03/28/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		131	
61	08/15/2007	MAIL NOTICE OF ALLOWANCE			
60	08/13/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
59	08/13/2007	CASE DOCKETED TO EXAMINER IN GAU			
58	08/13/2007	ISSUE REVISION COMPLETED			
57	08/13/2007	DOCUMENT VERIFICATION			
56	08/06/2007	NOTICE OF ALLOWABILITY			
55	07/26/2007	CASE DOCKETED TO EXAMINER IN GAU			
54	06/01/2007	DATE FORWARDED TO EXAMINER			
53	05/23/2007	RESPONSE AFTER NON-FINAL ACTION		29	50
52	05/23/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
51	01/24/2007	MAIL NOTICE OF WITHDRAWN ACTION			
50	01/24/2007	MAIL NON-FINAL REJECTION			
49	01/22/2007	NON-FINAL REJECTION			
48	01/18/2007	LETTER WITHDRAWING / VACATING OFFICE ACTION			
47	01/18/2007	MAIL NOTICE OF RESCINDED ABANDONMENT			
46	01/18/2007	NOTICE OF RESCINDED ABANDONMENT IN TCS			
44	01/06/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
43	01/09/2007	MAIL ABANDONMENT FOR FAILURE TO RESPOND TO OFFICE ACTION			
42	01/08/2007	ABANDONMENT FOR FAILURE TO RESPOND TO OFFICE ACTION			

41	06/09/2006	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
40	05/26/2006	DATE FORWARDED TO EXAMINER			
39	05/17/2006	SUPPLEMENTAL RESPONSE			
38	04/17/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
37	03/16/2006	DATE FORWARDED TO EXAMINER			
36.1	03/03/2006	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
36	03/03/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
35	03/03/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
34	02/06/2006	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
23	01/06/2006	REFERENCE CAPTURE ON IDS			
22.7	01/06/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	01/06/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	01/13/2006	DATE FORWARDED TO EXAMINER			
20.1	01/06/2006	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
20	01/06/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
19	12/08/2005	MAIL RESTRICTION REQUIREMENT	114		-1
18	12/06/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
17	11/06/2004	CASE DOCKETED TO EXAMINER IN GAU			
16	11/06/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	09/01/2004	TRANSFER INQUIRY TO GAU			
9	08/19/2004	CLEARED BY OIPE CSR			
8	06/16/2004	371 COMPLETION DATE			
7	07/15/2004	APPLICATION DISPATCHED FROM OIPE			
6	07/15/2004	NOTICE OF DO/EO ACCEPTANCE MAILED			
5	06/16/2004	ADDITIONAL APPLICATION FILING FEES			
4	06/16/2004	SUBSTITUTE SPECIFICATION			
3	06/16/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

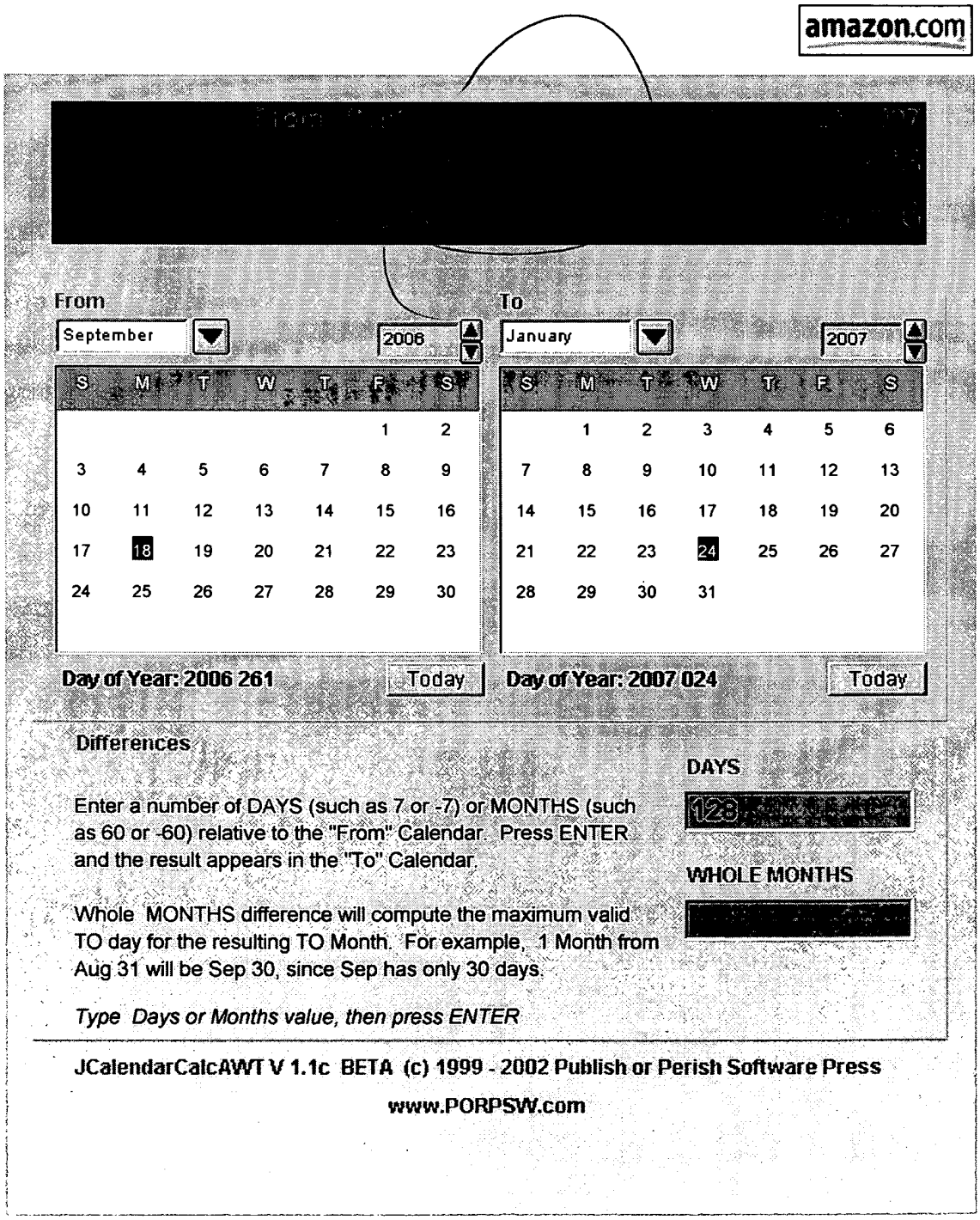
Back to OASIS | Home page

Publish or Perish Software Press

*The **Date Calculator Applet** may take several minutes to load, depending on your connection speed.*

*Using a PDA? Click here for more information on **DOYDIFF**, a Date Calculator for both the Palm and the Pocket PC.*

*New for **Pocket PC 2003**: **DOYDIFF 2003**.*



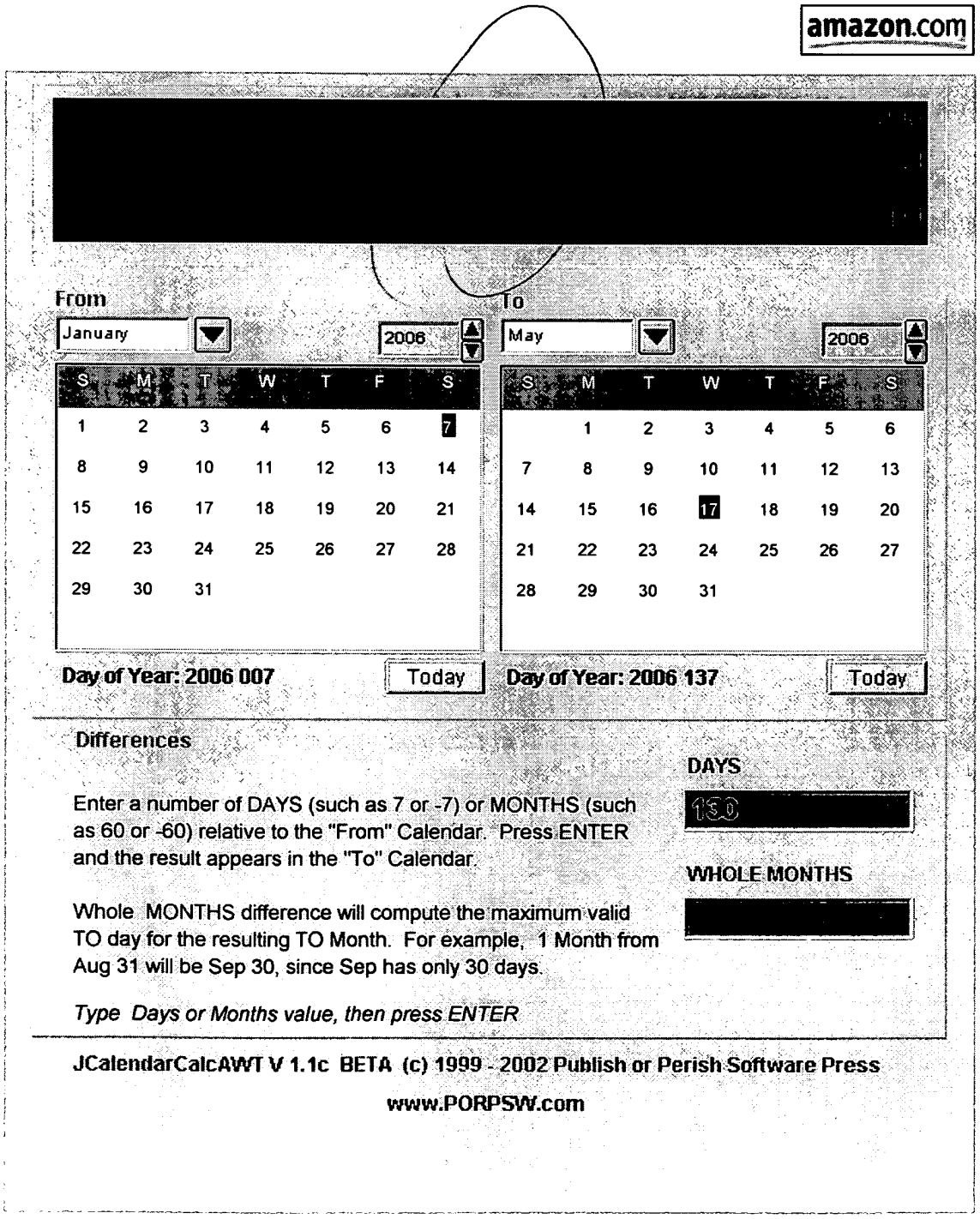
As time always moves forward, the Years, Months, Days breakdown is always computed from the lesser

Publish or Perish Software Press

*The **Date Calculator Applet** may take several minutes to load, depending on your connection speed.*

*Using a PDA? Click here for more information on **DOYDIFF**, a Date Calculator for both the Palm and the Pocket PC.*

*New for **Pocket PC 2003**: **DOYDIFF 2003**.*



As time always moves forward, the Years, Months, Days breakdown is always computed from the lesser

Atty. Dkt. No. 083900-0160

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Swann et al.

Title: JOURNAL BEARING ARRANGEMENT

Appl. No.: 10/479,583

International Filing Date: 06/06/2002

371(c) Date: 06/15/2004

Examiner: Charles, Marcus

Art Unit: 3682

Conf. No.: 5860

COMMUNICATION REGARDING PATENT TERM ADJUSTMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with Applicants' duty of candor and good faith of the U.S. Patent and Trademark Office, Applicants note that the 85 days of patent term adjustment as indicated on the Notice of Allowance mailed on August 15 2007, for the above-captioned application disagree with the Applicants' own calculation of Patent Term Adjustment. It is hereby requested that the Patent Office verify the calculation of the Patent Term Adjustment for the present application.

Respectfully submitted,

Date : November 12, 2007

By : /James A. Wilke/

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5776
Facsimile: (414) 297-4900

James A. Wilke
Attorney for Applicant
Registration No. 34,279

OIPE IAP45
MAR 2 3 2006
PATENT & TRADEMARK OFFICE

IFW 2851 $

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	**Confirmation No. 7973**
Kazuya HISADA et al.	:	Attorney Docket No. 2003_1743A
Serial No. 10/479,589	:	Group Art Unit 2851
Filed July 27, 2004	:	

METHOD OF AND APPARATUS
FOR MANUFACTURING OPTICAL
INFORMATION RECORDING MEDIUM

PATENT OFFICE FEE TRANSMITTAL FORM

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEES FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is a check in the amount of $130.00 to cover Patent Office fees relating to filing the following attached papers:

Petition $130.00

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Kazuya HISADA et al.

By David M. Ovedovitz
David M. Ovedovitz
Registration No. 45,336
Attorney for Applicants

DMO/jmj
WENDEROTH, LIND & PONACK, L.L.P.
2033 K St., N.W., Suite 800
Washington, D.C. 20006-1021
Telephone (202) 721-8200
March 23, 2006

[Chec

PETITION GRANTED

William Krynski
Quality Assurance Specialist
Technology Center 1700
JUN 2 1 2007

16 AUG 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

WHITHAM, CURTIS & CHRISTOFFERSON, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON, VA 20190

In re Application of	:	
CETIN, Yalcin et al.	:	
U.S. Application No.: 10/479,606	:	DECISION ON
PCT No.: PCT/DE02/02040	:	
International Filing Date: 05 June 2002	:	PETITION
Priority Date: 05 June 2001	:	
Attorney's Docket No.: 03100192AA	:	UNDER 37 CFR 1.181
For: GUANYLATE-CYLASE C ...	:	
AIRWAY PROBLEMS	:	

This decision is in response to applicant's "2nd Request For Corrected Filing Receipt and Notice of Acceptance," filed on 09 August 2005. In effect, applicant asks the Office to vacate the Notification of Acceptance and issue a corrected Notification of Acceptance and Filing Receipt. The Request has been treated as a Petition Under 37 CFR 1.181.

BACKGROUND

On 05 June 2002, applicant filed international application PCT/DE02/02040, which claimed a priority date of 05 June 2001. A copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB") on 12 December 2002. The deadline for entry into the national stage in the US was 05 December 2003.

On 03 December 2003, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 15 April 2004, 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), identifying the international application and a sequence listing were required.

On 15 June 2004, applicants supplied a declaration of the inventors and a sequence listing.

On 21 June 2004, applicants supplied an English translation of the international application as filed.

On 21 September 2004, applicants submitted a second copy of the English translation, by facsimile.

On 25 October 2004, the Office mailed Notice of Acceptance (Form PCT/DO/EO/903) was mailed giving the application a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of 21 September 2004.

On 09 August 2005, applicants filed a petition requesting a corrected filing receipt.

DISCUSSION

The Notice of Acceptance mailed 25 October 2004, indicated that the requirements of 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) were satisfied on 21 September 2004. However, a review of the file reveals that a declaration in compliance with 37 CFR 1.497(a)-(b) was filed on 15 June 2004 and the English translation was originally received on 21 June 2004. As such, the completion date for the requirements under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) was 21 June 2004, not 21 September 2004.

CONCLUSION

For the reasons discussed above, the Petition Under 37 CFR 1.181 is **GRANTED**.

The Notice of Acceptance (Form PCT/DO/EO/903) mailed 25 October 2004 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a corrected Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt. The application has a date of 21 June 2004 under 35 U.S.C. §371 (c)(1), (c)(2) and (c)(4).

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

MAR 13 2006

JASON D. VOIGHT
NOVAK DRUCE DELUCA & QUIGG, LLP
1300 EYE STREET NW
SUITE 400 EAST
WASHINGTON, D.C. 20005

In re Application of	:
Dieter Zeller et al	:
Serial No: 10/479,624	: DECISION ON PETITION
Filed: 04 December 2003	:
Attorney Docket No.: PF+++52514	:

This letter is in response to the Petition under 37 C.F.R. 1.181, filed 30 January 2006 requesting withdrawal of the Finality of the Office action mailed to applicants on 30 August 2005.

BACKGROUND

On 17 March 2005 the examiner mailed to applicants a first Office action on the merits rejecting claims 1 - 4 under 35 U.S.C. 102(b) over Pommer et al. and claims 1-9 under U.S.C. 103(a) over Pommer et al. in view of Reuther et al. and Katz et al. Claims 1-5 and 9 were directed to bis-(N-organyldiazeniumdioxy) metal salts. Claim 6 was directed to a pharmaceutical composition of the compounds of formula I. Claim 7 was directed to a kit containing the pharmaceutical composition of claim 6. Claim 8 was the sole claim directed to a method of treating diseases associated with mycobionts. There was no rejection in this first Office action under 35 U.S.C. 112, first paragraph.

On 17 June 2005 applicants filed an amendment cancelling claim 1, amending claims 1 - 9 and adding new claims 10 - 12. In this amendment claims 2 - 4 were changed to method of treatment claims depending from claim 8. Claim 5 was changed to pharmaceutical compositions along with 6-7 and 10-12. Claim 9 was changed to a method for preparing the composition of claim 5

On 30 August 2005 the examiner mailed to applicants a FINAL Office action in which the 35 U.S.C. 102 rejection of claims 1-4 was withdrawn and the 35 U.S.C. 103(a) rejection of claims 1-9 was maintained. In addition, the examiner rejected claims 2-5 and 8-9 under 35 U.S.C. 112, first paragraph, for failure to provide an enabling specification commensurate in scope with the claimed invention.

On 30 January 2006 applicants filed an amendment in response to the Final Office action.

On 30 January 2006 applicants also filed the instant Petition under 37 CFR 1.181 requesting Director review of the finality of the Office action mailed 30 August 2005.

DISCUSSION

Applicants argue that the amendment filed 17 June 2005 did not necessitate the new grounds of rejection, i.e., the scope of enablement rejection of claims 2-5 and 8-9.

Applicants' argument has been fully considered and is found persuasive. In the claims before the examiner on 17 March 2005, there was a single method of treating diseases associated with mycobionts using any of the compounds of claim 1 defined in formula I. In applicants' amendment of 17 June 2005, claim 8 was made an independent claim but of unchanged scope. Claims 2–4 were changed to methods for treating diseases associated with mycobionts. Therefore, any rejection of claims 2-5 and 8-9 under 35 U.S.C. 112, first paragraph, in the FINAL Office action of 30 August 2005, would have been equally applicable to the method of claim 8 which was before the examiner on 17 March 2005. Applicants' amendment filed 17 June 2005 did not necessitate the new grounds of rejection under 35 U.S.C. 112, first paragraph.

DECISION

Therefore, applicants' request under 37 C.F.R. 1.181 for withdrawal of the Finality of the Office action mailed 30 August 2005 is **GRANTED**.

The application will be returned to the examiner for consideration of applicants' response filed 30 January 2006 will be entered and considered as a response to a Non-Final Office action.

Should there be any questions regarding this decision, please contact Special Program Examiner, William R. Dixon, Jr. by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.

George C. Elliott

George C. Elliott
Director, Technology Center 1600

26 AUG 2004

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael B. Lasky
ALTERA LAW GROUP
6500 City West Parkway
Suite 100
Minneapolis, MN 55344-7704

In re Application of:
PEDERSON, et al.
U.S. Application No.: 10/479,634
PCT No.: PCT/NO02/00197
International Filing Date: 04 June 2002
Priority Date: 05 June 2001
Attorney's Docket No.: 1011.303-US-WO
For: ARTICLE OF FOOTWEAR, BINDING ASSEMBLY AND ARTICLE OF FOOTWEAR-BINDING ASSEMBLY COMBINATION

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47" filed 23 July 2004 and treated herein under 37 CFR 1.47(a). Applicants have paid the required petition fee.

BACKGROUND

On 04 June 2002, applicants filed international application PCT/NO02/00197 which claimed a priority date of 05 June 2001 and which designated the United States. On 12 December 2002, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 05 December 2003.

On 04 December 2003, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee.

On 18 May 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed declaration acceptable under 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required.

On 23 July 2004, applicants filed a response to the Notification Of Missing Requirements accompanied by the required surcharge payment. The response included a declaration executed

by one of the two inventors and on behalf of the second, nonsigning inventor by the assignee, and the petition considered herein (among other materials). The petition seeks acceptance of the application without the signature of the remaining inventor, Sigurd BRORS.

DISCUSSION

The petition herein is treated under 37 CFR 1.47(a).[1] A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the nonsigning inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the nonsigning inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have submitted the petition fee. Accordingly, item (1) is satisfied.

The petition does not expressly state the last known address of the nonsigning inventor. Item (2) is therefore not satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by inventor Hans PEDERSON and on behalf of the nonsigning inventor Sigurd BRORS by a representative of Linken Binding, the assignee. However, except in circumstances where 37 CFR 1.47(b) applies (i.e., where none of the inventors has signed the declaration), an assignee cannot properly execute a declaration on behalf of the inventor. Accordingly, the signature by Linken Binding is not acceptable. Moreover, because the declaration was executed for Sigurd BRORS by Linken Binding, the presumption that the other inventor executed the declaration on his own behalf and on behalf of the nonsigning inventor cannot be applied to the present declaration. Applicants must submit a declaration executed by the cooperating inventor with an unsigned signature block for Sigurd BRORS. Such a declaration can be treated as having been executed by the available inventor on his own behalf and on behalf of the nonsigning inventor. Until such declaration is submitted, item (3) is not satisfied.

Regarding item (4), the petition is unclear as to whether applicants are arguing that the nonsigning inventor has refused to execute the declaration or whether he cannot be reached after diligent effort. Regardless of which argument applies, the present record is insufficient. With respect to a claim that the inventor cannot be located after diligent effort, section 409.03(d) of the MPEP requires firsthand statements and supporting documentation with respect to the efforts made to locate the nonsigning inventor. The petition here includes no such materials.

---

[1] 37 CFR 1.47(a) applies only to the situation where, as here, at least one of the named inventors has signed the declaration. 37 CFR 1.47(b) applies only to situations where none of the inventors have signed the declaration.

In the alternative, if applicants are asserting that Sigurd KRORS has refused to execute the application, then the MPEP requires that he first be provided with a copy of the complete application papers, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made." No firsthand evidence has been presented to show that the nonsigning inventor has been provided with a copy of the complete application papers, as required before a refusal to sign can be claimed. Moreover, no firsthand statement has been provided demonstrating an express or implied refusal to sign by the inventor.

Based on the above, applicants have not, on the present record, satisfied item (4) of a grantable petition. Applicants must clarify whether they are asserting that the inventor cannot be located after diligent effort or whether the inventor has refused to sign the application materials and provide the proper firsthand statements and documentary evidence required to support the applicable argument.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any such request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the materials required to satisfy items (2), (3) and (4) of a grantable petition, as discussed in detail above.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

0 9 NOV 2004

#8

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Michael B. Lasky
ALTERA LAW GROUP
6500 City West Parkway
Suite 100
Minneapolis, MN 55344-7704

In re Application of:	:	
PEDERSON, et al.	:	
U.S. Application No.: 10/479,634	:	
PCT No.: PCT/NO02/00197	:	DECISION
International Filing Date: 04 June 2002	:	
Priority Date: 05 June 2001	:	
Attorney's Docket No.: 1011.303-US-WO	:	
For: ARTICLE OF FOOTWEAR, BINDING	:	
ASSEMBLY AND ARTICLE OF FOOTWEAR-	:	
BINDING ASSEMBLY COMBINATION	:	

This decision is issued in response to the "Renewed petition Under 37 CFR 1.47" filed 25 October 2004. No additional petition fee is required.

BACKGROUND

The procedural background for this petition is set forth in detail in the decision mailed by this Office on 26 August 2004. In that decision, applicants' petition under 37 CFR 1.47(a) for acceptance of a declaration without the signature of inventor Sigurd BRORS was dismissed without prejudice.

On 25 October 2004, applicants filed the "Renewed Petition Under 37 CFR 1.47" considered herein. This submission included a declaration executed by both inventors, including the previously non-signing inventor.

DISCUSSION

As noted above, the renewed petition was accompanied by a copy of the declaration executed by both inventors, including Sigurd BRORS, the previously non-signing inventor who was the subject of the earlier petition under 37 CFR 1.47(a). Accordingly, applicants' petition under 37 CFR 1.47(a) is now moot. Applicants have now submitted a fully executed declaration in compliance with 37 CFR 1.497.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **MOOT.**

The fully executed declaration filed 25 October 2004 satisfies the requirements of 37 CFR 1.497

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date is 25 October 2004.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

13 JUN 2004

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Connolly Bove Lodge & Hutz LLP
1007 North Orange Street
PO Box 2207
Wilmington, DE 19899

In re Application of ROSENBAUM, Sonja et al. Application No.: 10/479,640 PCT No.: PCT/EP02/05943 Int. Filing Date: 31 May 2002 Priority Date: 06 June 2001 Attorney's Docket No.: 05581-00129 For: BIODEGRADABLE BIAXIALLY DRAWN FILM WITH CONTROLLED TEAR RESISTANCE	DECISION ON REQUEST UNDER 37 CFR 1.42

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 16 April 2004. The declaration includes an indication that joint inventor Sonja Rosenbaum is deceased. It has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 31 May 2002, applicant filed international application PCT/EP02/05943, claiming a priority date of 06 June 2001. A demand for international preliminary examination was filed on 05 December 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 12 December 2002. The deadline for entry into the national stage in the United States was 08 December 2003 (06 December 2003 was a Saturday).

On 03 December 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 05 April 2004, 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) and the surcharge for late filing of the oath or declaration were required.

On 16 April 2004, applicant submitted an executed declaration and the fee for late filing of the oath or declaration.

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 representatives for the deceased inventor and the remaining inventor/applicant. It provides the necessary information for the deceased inventor, the legal representatives and the applicant/inventor. 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 31 May 2002 under 35 U.S.C. §363 and a date of 16 April 2004 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

A-T

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FEB 4 2005

LAW OFFICE OF RICHARD A. DUNNING, JR.
343 Soquel Avenue, Suite 311
Santa Cruz CA 95062

In re Application of
Kazuhiro Higuchi, et al.
Application No.: 10/479,651
Filed: December 1, 2003
For: **SOLID ELECTROLYTIC CAPACITOR**

WITHDRAWAL FROM ISSUE
37 C.F.R. § 1.313

The above-identified application is withdrawn from issue after payment of the issue fee due to unpatentability of one or more claims. See 37 C.F.R. э 1.313(b)(3).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Fee(s) Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance and Fee(s) Due in order to prevent abandonment of the application.

Telephone inquiries should be directed Dean Reichard, Supervisory Patent Examiner, at (571) 272-1984.

The examiner will notify applicant of the new status of this application in an Office action to be issued promptly.

Richard K. Seidel, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

John S Pratt
Kilpatrick Stockton
Suite 2800
1100 Peachtree Street
Atlanta GA 30309-4530

MAILED

MAR 13 2009

OFFICE OF PETITIONS

In re Application	:	
Brewer, et al.	:	
Application No. 10/479,665	:	PATENT TERM ADJUSTMENT
Filed: April 21, 2004	:	
Dkt. No.: P1305/USW (41577-295089)	:	

This is in response to the "Communication Regarding Patent Term Adjustment (PTA) Indicated in Notice of Allowance." This matter is being properly treated as an application for patent term adjustment pursuant to 37 CFR 1.705(b). The application for patent term adjustment was timely filed December 23, 2008, prior to payment of the issue fee.

The Determination of Patent Term Adjustment under 35 USC 154(b) was mailed October 6, 2008. Applicants contest the adjustment insofar as it relates to the Office's failure to issue the patent within three years of the filing date of the application pursuant to 37 CFR 1.703(b) in view of Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

To the extent that this 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, 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, 37 CFR 1.703(b). It is noted that at the time of this decision, the patent has not issued.

Applicants are given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent

within 3 years. A copy of this decision should accompany the request. Applicants may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

With respect to the over 3 year calculation, rather than file the request for reconsideration of Patent Term Adjustment 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 pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, 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.

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. 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).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

Kery Fries

Kery Fries
Senior Patent Attorney
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

MAILED

MAR 2 6 2010

OFFICE OF PETITIONS

John S Pratt
Kilpatrick Stockton
Suite 2800
1100 Peachtree Street
Atlanta GA 30309-4530

In re Patent No. 7,517,820	: DECISION ON APPLICATION FOR
Issued: April 14, 2009	: PATENT TERM ADJUSTMENT and
Application No. 10/479,665	: NOTICE OF INTENT TO ISSUE
371(c) Date: April 21, 2004	: CERTIFICATE OF CORRECTION
Dkt. No.: 41577/295089	:

This is a decision on the "Communication Regarding Patent Term Adjustment (PTA) Indicated in Issue Notification," filed April 30, 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 181 days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on April 22, 2007, the day after the date that is three years after the date of commencement, and ends on December 18, 2007, the day before the RCE was filed, and not December 19, 2007, the day of filing of the RCE as calculated by patentees. See, 35 U.S.C. 154(b)(1)(B)(i). Thus, the over 3 year period is 241 days and not 242 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. See, 37 CFR 1.323(a)(4).

The Office acknowledges the previous submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of 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 180 days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,517,820 B2

DATED : **April 14, 2009** **DRAFT**

INVENTOR(S) : Brewer, 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 61 days

Delete the phrase "by 61 days" and insert – by 180 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

QUARLES & BRADY
RENAISSANCE ONE
TWO NORTH CENTRAL AVENUE
PHOENIX, AZ 85004-2391

COPY MAILED

JAN 19 2005

OFFICE OF PETITIONS

In re Application of	:	
Ann Huletsky et al	:	
Application No. 10/479,674	:	LETTER
Filed: September 7, 2004	:	
Attorney Docket No. 480844.00003	:	

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 1634 for examination in due course.

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

FEB - 7 2006

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:
Huletsky etal.	: PETITION TO MAKE SPECIAL
Serial No.: 10/479,674	:
Filed: September 7, 2004	:
Attorney Docket No.: GENOM.051NP	

This is in response to applicant's petition filed January 27, 2006, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicants have satisfied the provisions set forth in M.P.E.P. 708.02, VIII. (A), (B), (C), (D), and (E). The $130.00 petition fee as required by 37 CFR 1.17(h) was received. Therefore, the petition is **GRANTED**.

The application will be forwarded the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the general Office facsimile number, (703) 872-9306.

Marianne C. Seidel
Special Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

JAN 30 2007

OFFICE OF PETITIONS

CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

In re Application of Coquet	:	
Application No. 10/479,709	:	Decision on Petition
Filing Date: April 4, 2004	:	
Attorney Docket No. GER-0598	:	

This is a decision on the petition under 37 CFR 1.181, filed November 2, 2006, to withdraw the holding of abandonment.

The petition is **granted.**

A non-final Office action was mailed March 8, 2006.

A reply to the Office action was not matched with the file. As a result, a Notice of Abandonment was mailed October 13, 2006.

Petitioner contends an amendment and request for a three-month extension of time were filed September 8, 2006. Petitioner has provided a showing in compliance with 37 CFR 1.8(b). Therefore, the copy of the amendment and request for an extension of time filed with the instant petition will be considered timely filed.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The three-month extension of time fee of $1,020 has been charged to petitioner's deposit account.

Technology Center Art Unit 3683 will be informed of the instant decision and the examiner will consider the merits of the amendment in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCDERMOTT WILL & EMERY
600 13TH STREET NW
WASHINGTON, DC 20005-3096

COPY MAILED

MAY 0 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Hamada et al.	:	
Application No. 10/479,734	:	DECISION ON PETITION
Filed: November 18, 2004	:	
Attorney Docket No. 50024-023	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 3, 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center 1794 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

23 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michele M. Simkin
FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109

In re Application of:	:	
TANG, Tom Y., et al.	:	DECISION ON PETITION UNDER
U.S. Application No.: 10/479,764	:	37 CFR 1.47(a)
PCT No.: PCT/US02/17956	:	
International Filing Date: 06 June 2002	:	
Priority Date: 07 June 2001	:	
Attorney's Docket No.: PF-1107 USN	:	
For: STRUCTURAL AND	:	
CYTOSKELETON-ASSOCIATED	:	
PROTEINS	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a) Regarding Madhusudan Sanjanwala" filed 13 September 2004. Applicants have paid the required petition fee.

BACKGROUND

On 06 June 2002, applicants filed international application PCT/US02/17956 which claimed a priority date of 07 June 2001 and which designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 07 December 2003.

On 04 December 2003, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 15 July 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed declaration acceptable under 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required.

On 13 September 2004, applicants filed a response to the Notification Of Missing Requirements. The response included payment of the required surcharge, a declaration executed by all the joint inventors except Madhusudan Sanjanwala, and the petition considered herein. The petition seeks acceptance of the application without the signature of the Madhusudan Sanjanwala, who applicants assert has refused to join in the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the nonsigning inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the nonsigning inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have submitted the petition fee. Accordingly, item (1) is satisfied.

The petition expressly states the last known address of the nonsigning inventor. Item (2) is therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by all the named inventors except Madhusudan Sanjanwala, with an unsigned signature block for Madhusudan Sanjanwala. This declaration can be accepted as having been signed by the inventors on their own behalf and on behalf of the nonsigning inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition asserts that the nonsigning inventor has refused to execute the application. In such cases, section 409.03(d) of the MPEP requires that the inventor be provided with a copy of the complete application papers, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made." Applicants here have provided firsthand and documentary evidence demonstrating that the nonsigning inventor has been provided with a copy of the complete application and, despite numerous requests for his signature, has failed to provide an executed declaration. The submitted materials are accepted as demonstrating the nonsigning inventor's refusal to execute the application. Item (4) is therefore satisfied.

Based on the above, applicants here have satisfied all the requirements for a grantable petition.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of Madhusudan Sanjanwala 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 the last known address set forth in the petition materials, and notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) is 13 September 2004.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

20 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Madhusudan M. Sanjanwala
210 Silvia Court
Los Altos, California 94024

In re Application of: TANG, Tom Y., et al.
U.S. Application No.: 10/479,764
PCT No.: PCT/US02/17956
International Filing Date: 06 June 2002
Priority Date: 07 June 2001
Attorney's Docket No.: PF-1107 USN
For: STRUCTURAL AND CYTOSKELETON-ASSOCIATED PROTEINS

Dear Mr. Sanjanwala:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Richard M. Ross
Attorney Advisor
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

Counsel Of Record:
Michele M. Sinkin
FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109

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

BRIAN MORRILL
BIOMEASURE, INC.
27 MAPLE ST
MILFORD, MA 01757-3650

Mail Date: 04/21/2010

Applicant	: Michael D Culler	: DECISION ON REQUEST FOR
Patent Number	: 7579435	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/479,771	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **337** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

February 1, 2007

Patent No. : 7,087,649 B2
Ser. No. : 10/479774
Inventor(s) : Barth, et al.
Issued : August 8, 2006
Title : **METHODS FOR PREVENTING AND TREATING DISEASES AND CONDITIONS ASSOCIATED WITH CELLULAR STRESS**
Docket No. : 04520/030002

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.

Comparison of the patent in column 6, line 22 and 23, with the corresponding location in the application file reveals that there is no discrepancy.

In view of the foregoing, your request is hereby denied.

Elisha Evans
For Cecelia Newman, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 110

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

08 JUN 2004

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

21828
CARRIER BLACKMAN AND ASSOCIATES, PC
24101 Novi Road
Suite 100
Novi, MI 48375

In re Application of INOUE, Masayuki *et al* U.S. Application No.: 10/479,775 PCT No.: PCT/JP02/05174 Int. Filing Date: 29 May 2002 Priority Date: 13 June 2001 Attorney Docket No.: KPO-118-A For: MECHANIC SKILL MANAGING SYSTEM	:	**DECISION**

This is a decision on applicants' "Petition to Accept Declaration on Behalf of Signing Inventor as Well as Non-Signing Inventor Under 37 C.F.R. 1.47(a)" filed on 06 May 2004.

BACKGROUND

On 29 April 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) & (b) was required.

On 06 May 2004, applicants submitted a response to the Notification of Missing Requirements which was accompanied by, *inter alia*, a declaration executed by one of the two named inventors; a petition under 37 CFR 1.47(a); an affidavit of Hiroshi Okuba; an affidavit of Takumi Takahashi; and authorization to charge the $130.00 petition fee to Deposit Account No. 50-0744.

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 inventors cannot be located; (3) a statement of the last known address of the non-signing joint inventors; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the non-signing joint inventor.

Concerning item (1), the $130.00 petition fee has been charged to Deposit Account No. 50-0744 as authorized.

With regard to item (3), the 37 CFR 1.47(a) applicant states that the last known address of the nonsigning joint inventor, Masayuki Inoue, is:

Zip Code 2-2-7, Chuo, Wako City,
Kanagawa Prefecture 351-0112
Japan

Regarding item (4), the 37 CFR 1.47(a) applicant submitted a declaration signed by one of the two joint inventors on behalf of the nonsigning joint inventor. Both inventors' name, residence, post office address 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 (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.

Regarding item (2), the 37 CFR 1.47(a) applicant claims that Mr. Inoue cannot be located. The 37 CFR 1.47(a) applicant has provided a statement of facts in the instant petition which details the efforts made to obtain the signature of the nonsigning joint inventor in the instant petition. In addition, the 37 CFR 1.47(a) applicant included an affidavit by Takumi Takahashi listing the procedures used to attempt to locate Mr. Inoue.

Applicants' burden in proving that an inventor cannot be located is explained in section 409.03(d) of the MPEP which states, in part:

> Where inability to find or reach a nonsigning inventor 'after diligent effort' is the reason for filing under 37 CFR 1.47, an affidavit or declaration of the facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . .
>
> The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. **Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration.** It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

A careful review of the evidence presented shows that the 37 CFR 1.47(a) has not met the requirements of proving that a diligent effort was made to contact the nonsigning co-inventors. There is no documentary evidence submitted such as copies

of the letters sent to Mr. Inoue at his last known address, or copies of an internet and telephone search for the nonsigning joint inventor. In addition, the petitioner should attempt to determine if any of Mr. Inoue's former co-workers have any information concerning his whereabouts. This is not an extraordinary effort and should be attempted to demonstrate that a diligent effort was made to locate the nonsigning joint inventor. Absent such a showing, item (2) of 37 CFR 1.47(a) is not satisfied.

CONCLUSION

Since all of the items of 37 CFR 1.47(a) were not satisfied, applicants' petition 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.

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

30 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

21828
CARRIER BLACKMAN AND ASSOCIATES, PC
24101 Novi Road
Suite 100
Novi, MI 48375

In re Application of
INOUE, Masayuki *et al*
U.S. Application No.: 10/479,775
PCT No.: PCT/JP02/05174
Int. Filing Date: 29 May 2002
Priority Date: 13 June 2001
Attorney Docket No.: KPO-118-A
For: MECHANIC SKILL MANAGING SYSTEM

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' "Request for Reconsideration of Decision Dismissing Petition Under 37 CFR 1.47(b)" filed on 24 September 2004 which is treated as a renewed petition under 37 CFR1.47(a).

BACKGROUND

On 08 June 2004, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed for failing to satisfy all of the requirements of 37 CFR 1.47(a). Applicants were given two-months to respond.

On 24 September 2004, applicants submitted the instant renewed petition which was accompanied by, *inter alia*, a two-month extension and fee, and a declaration signed by both joint inventors.

DISCUSSION

In the renewed petition under 37 CFR 1.47(a), applicants have submitted a declaration executed by the nonsigning joint inventor, Masayuki Inoue and Minoru Uchiyama. This declaration complies with 37 CFR 1.497(a) and (b). The petition under 37 CFR 1.47(a) is no longer required.

CONCLUSION

Since the nonsigning joint inventor has executed a declaration, applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

Applicants have completed the requirements for acceptance under 35 U.S.C.

371(c). The application has an international filing date of 29 May 2002, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 24 September 2004.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

27 APR 2004

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

Robert E. Cannuscio
Drinker, Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996

In re Application of BELCHAMBER, Ian William Application No.: 10/479,805 PCT Application No.: PCT/GB02/00892 International Filing Date: 28 February 2002 Priority Date: 28 February 2001 Attorney Docket No.: 8830-247 US (191563) For: MULTIFUNCTION MACHINE AND METHOD OF FORMING A CONTROL INTERFACE	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's "Petition For Revival of Application For Patent Abandoned Unintentionally Under 37 CFR § 1.137(b)," filed in the United States Patent and Trademark Office on 03 December 2003, is DISMISSED without prejudice.

BACKGROUND

On 28 February 2002, applicant filed international application number PCT/GB02/00892, claiming priority of earlier British application, filed on 28 February 2001. The United States of America was designated in the Request. A copy of the international application was transmitted by the International Bureau to the United States Patent and Trademark Office on 06 September 2002. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 August 2003. The application became abandoned on 29 August 2003 for failure to pay the basic national fee.

On 03 December 2003, applicant filed the instant petition for revival of the application and a transmittal letter for national stage entry, including, *inter alia*, basic national stage fees and a signed inventor declaration.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must

be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

With regard to item (1) above, Petitioner has filed a statement by Mr. Gaston, a representative of the assignee Blakell Europlacer Limited. The statement explains that "[t]he entire delay in filing a national application related to the above international application from the date the national application was required to be filed until the date of filing of grantable petition under 37 CFR 1.137(b) was unintentional."

The provided statement is unsatisfactory for meeting the requirements of item (1) above. In addition to the previously mentioned statement, dated 17 November 2003, Petitioner filed an assignment from Inventor Belchamber to assignee Blakell Europlacer Limited, also dated 17 November 2003. MPEP 711.03(c)(E) states that "[t]he question under 37 CFR 1.137[(b)] is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was . . . unintentional." Petitioner has provided no persuasive evidence that Blakell Europlacer Limited, assignee effective by the assignment dated 17 November 2003, had "the right or authority to reply to avoid abandonment (or not reply)" prior to the effective date of the assignment. In other words, there is no persuasive evidence that Blakell Europlacer Limited had the necessary right or authority during the time period from the due date for reply until the date of assignment on 17 November 2003. Hence, the statement by the representative of the assignee is unsatisfactory, and requirement of item (1) above is not satisfied.

With regard to item (2) above, applicant has provided the required basic national fee, meeting the requirement of item (2) above.

With regard to item (3) above, applicant has provided the required petition fee, meeting the requirement of item (3) above.

With regard to item (4), a terminal disclaimer is not required as the application was filed after 08 June 1995.

Accordingly, because the requirement of item (1) above has not been satisfied, all of the requirements under 37 CFR 1.137(b) have not been satisfied, and so the petition is dismissed.

CONCLUSION

Because applicant has failed to satisfy item (1) above, the petition to revive the abandoned application under 37 CFR 1.137(b) is DISMISSED without prejudice as to National Stage in the United States of America.

If reconsideration on the merits of this decision 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)." Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, USA and address the contents of the letter to the attention of the Office of PCT Legal Administration.

Michael La Villa
Detailee
Office of PCT Legal Administration
Telephone: (703) 308-6162
Facsimile: (703) 308-6459

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (703) 308-3659
Facsimile: (703) 308-6459

07 JUN 2004 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

Robert E. Cannuscio
DRINKER, BIDDLE & REATH LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996

In re Application of
BELCHAMBER, Ian William
U.S. Application No.: 10/479,805
PCT No.: PCT/GB02/00892
Int. Filing Date: 28 February 2002
Priority Date: 23 February 2001
Attorney Docket No.: 8830-247 US (191563)
For: MULTIFUNCTION MACHINE AND METHOD OF FORMING A CONTROL INTERFACE

DECISION

Applicant's "Renewed Petition Under 37 CFR 1.137(b)" filed on 14 May 2004 is hereby **GRANTED** as follows:

The original petition filed 03 December 2003 was dismissed because the statement that the delay was unintentional required by 37 CFR 1.137(b)(3) was provided by the assignee, Blaker Europlacer Limited. However, there was no evidence that the assignee had the right or authority to provide the requisite statement during the time period from the due date for reply until the date of assignment on 17 November 2003. Applicants satisfied all other requirements of 37 CFR 1.137(b).

In the renewed petition, applicants have provided a "Statement from Applicant's Attorney in Support of Petition For Revival of Application" in which counsel states that "[b]ased upon an investigation into the facts surrounding the filing of this application and the information that has been provided to me by representatives of the Applicant, the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement by counsel is sufficient to meet the requirements of 37 CFR 1.137(b)(3). Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A $65.00 surcharge fee pursuant to 37 CFR 1.492(e) for late filing of the declaration has been charged to Deposit Account No. 50-0573 as authorized.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 28 February 2002, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 03 December 2003.

This application is being forwarded to the National Stage Processing Division of the

Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

K. BRADFORD ADOLPHSON
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON LLP
BRADFORD GREEN, BLDG. 5, 755 MAIN STREET
P.O. BOX 224
MONROE, CT 06468

COPY MAILED

JAN 07 2005

OFFICE OF PETITIONS

In re Application of	:	
Bjorn Lind	:	
Application No. 10/479,816	:	NOTICE
Filed: December 5, 2003	:	
Attorney Docket No. 525-038-9		

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
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

Jonathan H Petcu
Moore Ingram Johnson & Steele
192 Anderson Street
Marietta, GA 30060

COPY MAILED

AUG 23 2006

OFFICE OF PETITIONS

In re Application of	:	
Pedicini et al.	:	
Application No. 10/479,823	:	
Filed: December 4, 2003	:	ON PETITION
Attorney Docket Number:	:	
010752.2	:	

This is a decision on the correspondence filed October 11, 2005, asserting that a timely response to the February 24, 2005 Office action was filed. The correspondence is properly treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181. 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 non-final Office action, mailed February 24, 2005. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned May 26, 2005. A Notice of Abandonment was mailed on October 5, 2005.

Applicant's Assertion

Applicant responds with the instant petition wherein Applicant asserts that a timely reply was filed on May 23, 2005. In support of this assertion, Applicant files a copy of a Response including an Amendment, Terminal Disclaimer ("TD"), and Power of Attorney and Change of Correspondence Address. The Response includes a Certificate of mailing dated May 23, 2005.

A review of Office records confirms receipt by this office of a Response including Amendment, Terminal Disclaimer and Power of

Attorney and Change of Correspondence Address on May 26, 2005 (Certificate of Mailing dated May 23, 2005).

In view of the foregoing, the holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application file is being referred to Technology Center Art Unit 3721 for processing of the Response/Amendment/TD in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

COPY MAILED

OCT 18 2006

OFFICE OF PETITIONS

In re Application of

HERRERA, et al.
Application No. 10/479,828
Filed: March 25, 2004
Attorney Docket No. 4565-0108P

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 May 26, 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 Charles Gorenstein on behalf of all attorneys of record who are associated with customer No. 02292. All attorneys/agents associated with the Customer Number 02292 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272-7253.

David Buiecj
Petitions Examiner
Office of Petitions

cc: **Jose Alfredo Herrera Isdron**
Calle 174 Edif. BBE-2, Apto 14
Flores, Playa
Ciudad De La Habana, Cuba 12100

cc: **Centro De Immunologia Molecular**
Calle 216 Y 15
Atabey Playa
Ciudad De La Habana, Cuba 12100

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
10/479,828	03/25/2004	Jose Alfredo Herrera Isidron	4565-0108p

CONFIRMATION NO. 1089

OC000000020654054

02292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Date Mailed: 10/02/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/26/2006.

- 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.

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAIL

SEP 22 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N.W.
SUITE 800
WASHINGTON, DC 20006-1021

In re Application of
Kiyofumi Abe et al..
Application No. 10/479,831
Filed: December 8, 2003
For: PICTURE CODING METHOD AND PICTURE DECODING METHOD

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed July 27, 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
571-272-2986

#3

27 APR 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

GORDON & JACOBSON, P.C.
65 Woods End Road
Stamford, CT 06905

In re Application of
WOJTYSIAK, Conrad Stephen
Application No.: [redacted] 10/479,835
PCT No.: [redacted] PCT/AU02/00695
Int. Filing Date: 03 June 2002
Priority Date: 07 June 2001
Attorney Docket No.: HAC-038
For: RADIOACTIVE COOLING SURFACE COATINGS

DECISION

This is a decision on the declaration filed on 08 April 2004 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 05 December 2003, applicant filed for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, the basic national fee and an unsigned declaration.

On 08 April 2004, applicant filed a declaration signed by a legal representative of the deceased sole inventor and a $65.00 surcharge fee.

DISCUSSION

Applicant has furnished a declaration signed John Wesley Butler as the legal representative of deceased sole inventor, Conrad Stephen Wojtysiak.

37 CFR 1.42 states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(a)(3) requires that the citizenship of each inventor must be listed on the declaration. 37 CFR 1.63(c)(1) also requires the residence and mailing address of each inventor. 37 CFR 1.497(b)(2) states that the citizenship, residence, and mailing address of the legal representative must also be recorded on the declaration.

A review of the declaration submitted shows that citizenship, residence and mailing address information are listed next to the signature of the legal representative.

But it is not clear from the declaration if this information is for the legal representative, or the deceased inventor.

Regardless, this information is required for both the legal representative and the deceased inventor and must be clearly identified as such **on the declaration**.

Accordingly, the declaration does not comply with 37 CFR 1.497(a) and (b).

CONCLUSION

For the reasons listed above, applicant's petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

14 JUN 2004

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

GORDON & JACOBSON, P.C.
65 Woods End Road
Stamford, CT 06905

In re Application of	:	
WOJTYSIAK, Conrad Stephen	:	
Application No.: 10/479,835	:	
PCT No.: PCT/AU02/00695	:	**DECISION**
Int. Filing Date: 03 June 2002	:	
Priority Date: 07 June 2001	:	
Attorney Docket No.: HAC-038	:	
For: RADIOACTIVE COOLING SURFACE COATINGS	:	

This is a decision on the "Corrected Declaration and Power of Attorney" filed on 07 June 2004 which is treated as a renewed petition under 37 CFR 1.42.

BACKGROUND

On 27 April 2004, a decision dismissing applicants' petition under 37 CFR 1.42 was mailed. The declaration was regarded as not to contain all of the information required by 37 CFR 1.497(a) and (b). Applicants were given two months to respond.

On 07 June 2004, applicants filed the instant response which was accompanied by a declaration executed by the legal representative of the deceased sole inventor.

DISCUSSION

In response to the decision dated 27 April 2004, applicants have furnished another declaration signed by John Wesley Butler as legal representative of deceased sole inventor, Conrad Stephen Wojtysiak.

This new declaration records the citizenship, residence, and mailing address of the legal representative as required by 37 CFR 1.497(b)(2). The declaration also lists the citizenship, former residence, and mailing address of the deceased inventor.

This declaration meets the requirements of 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 03 June 2002, under 35

U.S.C. 363, and a 35 U.S.C. 371 date of 07 June 2004.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

MAILED

MAY 20 2009

OFFICE OF PETITIONS

Applicant: Fredricksson, et al.
Appl. No.: 10/479,841
Filing Date: December 8, 2003
Title: Arrangement And Method For System Of Locally Deployed Module Units, And Contact Unit For Connection Of Such A Module Unit
Attorney Docket: 21406-00012-US
Pub. No.: US 2004/0236885 A1
Pub. Date: November 25, 2004

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 16, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein an inventor's last name "Lennartsson" is misspelled as "Lennartson".

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 request for corrected publication, received on December 16, 2008, was not timely filed under 37 CFR 1.221(b).

Even if the request had been timely filed, the request would have been dismissed as a minor typographical error in an inventor's name does not affect the public's ability to appreciate 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).

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.

On July 15, 2004 a Filing Receipt was mailed by the Office, which listed the inventor's name as Lennartson. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a corrected filing receipt prior to export of the publication to the publisher.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" 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

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY
12TH FLOOR
NEW YORK, NY 10036

COPY MAILED

JUL 11 2008

OFFICE OF PETITIONS

In re Application of :
Moshe Ben-Chorin et al :
Application No. 10/479,845 : ON PETITION
Filed: December 8, 2003 :
Attorney Docket No. P-4259-US

This is a decision on the petition, filed July 10, 2008 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 3, 2008 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 2624 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).

BEST AVAILABLE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

October 25, 2006

Raj S. Dave
MORRISON & FOERSTER, LLP
1650 Tysons Blvd. , Suite 300
McLean, VA 22102

Patent No.: 7081162 B2
Application No.: 10/479856
Inventor(s): **Robert Dwilinski, et al.**
Issued: **July 25, 2006**
Title: **METHOD OF MANUFACTURING BULK SINGLE CRYSTAL OF GALLIUM NITRIDE**

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.

BEST AVAILABLE COPY

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Virginia Tolbert
For Cecelia Newman
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

AUG 23 2007

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
1650 TYSONS BLVD, SUITE 300
MCLEAN, VA 22102

In re Patent No. 7,081,162	:	
Issue Date: July 25, 2006	:	
Application No. 10/479,856	:	ON PETITION
Filed: June 4, 2004	:	
Attorney Docket No. 204552031000	:	

This is a decision on the petition filed February 5, 2007, which is being treated as a petition under 37 CFR 3.81(b)[1] to add assignee's name on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] See Official Gazette of June 22, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

JUN 05 2008

OFFICE OF PETITIONS

RAJ S. DAVE
MORRISON & FOERSTER
SUITE 300
1650 TYSONS BOULEVARD
MCLEAN, VA 22102

In re Patent No. 7,081,162	:	
Issue Date: July 25, 2006	:	
Application No. 10/479,856	:	ON PETITION
Filed: June 4, 2004	:	
Attorney Docket No. 204552031000	:	

This is a decision on the petition filed January 28, 2008, which is being treated as a petition under 37 CFR 3.81(b)[1] to correct the assignee's name on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] See Official Gazette of June 22, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Morrison & Foerster
Suite 300
1650 Tysons Boulevard
McLean VA 22102

COPY MAILED

JUL 09 2008

OFFICE OF PETITIONS

In re Application of	:	
Dwilinski et al.	:	
Application No. 10/479,857	:	ON PETITION
Filed: June 9, 2004	:	
Attorney Docket No. 20455-2031100	:	

This is a decision on the "PETITION UNDER 37 CFR 1.182 REQUEST TO WITHDRAW TERMINAL DISCLAIMER" filed February 7, 2008, requesting withdrawal of the terminal disclaimer directed to Shibata (U.S. Patent No. 6,270,569) filed in the instant application on January 17, 2008.

The petition is **DISMISSED**.

Any request for reconsideration must be filed within TWO (2) MONTHS. This 2-month period is governed by 37 CFR 1.181(f) and is not extendable under 37 CFR 1.136. However, as this application is in condition for allowance, prompt action in response to this decision is suggested.

Petitioner states that the terminal disclaimer directed to Shibata (U.S. Patent No. 6,270,569) was erroneously filed concurrently with a Response under 37 CFR 1.116 on January 17, 2008. As noted in the response, a terminal disclaimer directed to Dwilinski (U.S. Patent No. 7,160,388) was already filed on July 20, 2007.

The examiner states that the terminal disclaimer does apply to at least one claim of record (Claim # 1-19) because the

rejection is based on 7,160,388 which was not disclaimed in the terminal disclaimer filed on July 20, 2007. The examiner states that the terminal disclaimer filed on July 20, 2007 disclaimed application No. 10/479,807, which is now patent No. 7,252,712, not Shibata 6,270,569, as alleged in the petition.

In view thereof, the petition must be dismissed.

Receipt of the petition fee of $400 is acknowledged.

A Notice of Allowance has been issued in this application and the issue fee has been paid. The Office of Data Management has been advised of this decision. The application is, thereby, forwarded for processing into a patent.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Morrison & Foerster
Suite 300
1650 Tysons Boulevard
McLean VA 22102

COPY MAILED
AUG 19 2008

In re Application of :
Dwilinski et al. :
Application No. 10/479,857 : ON PETITION
Filed: June 9, 2004 :
Attorney Docket No. 20455-2031100 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF DECISION ON PETITION" filed July 23, 2008, requesting withdrawal of the terminal disclaimer directed to Shibata (U.S. Patent No. 6,270,569) filed in the instant application on January 17, 2008.

The petition is **GRANTED**.

The terminal disclaimer directed to U.S. Patent No. 6,270,569 filed on January 17, 2008, is hereby **WITHDRAWN**.

By decision mailed July 9, 2008, the initial petition filed February 7, 2008 was dismissed.

Petitioner argues that the terminal disclaimer is unnecessary given the filing of a terminal disclaimer directed to U.S. Patent No. 7,160,388 on July 20, 2007. Petitioner acknowledges that this terminal disclaimer is not of record and submits a copy of the terminal disclaimer as originally filed, along with a copy of the return postcard receipt evidencing its filing on July 20, 2007.

In light of this additional evidence, the examiner now states that the terminal disclaimer does not apply to any claim

currently of record. The examiner states that terminal disclaimer is no longer required because there is a proper terminal disclaimer filed on July 23, 2008 to U.S. Patent No. 7,160,388, which overcomes the obvious double patenting rejection which the terminal disclaimer to U.S. Patent No. 6,270,569 was originally submitted to overcome. The examiner further states that the terminal disclaimer directed to U.S. Patent No. 6,270,569 no longer applies because of the presence of the terminal disclaimer to U.S. Patent No. 7,160,388.

A review of the record reveals that the terminal disclaimer to U.S. Patent No. 7,160,388 filed July 23, 2008 has been approved by the Office.

It should be noted that this decision is not a determination that the subject matter of the current claims is distinct from the claims in the patents and/or applications to which the terminal disclaimer applied.

The petition fee was previously submitted on initial petition.

A Notice of Allowance has been issued in this application and the issue fee has been paid. The Office of Patent Publication has been advised of this decision. The application has, thereby, been forwarded to Publications for correction of PALM and file records consistent with this decision.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Raj S Dave
Morrison & Foerster
1650 Tyson Boulevard
Suite 300
McLean VA 22102

MAILED

FEB 13 2009

OFFICE OF PETITIONS

In re Patent No. 7,374,615	:	
Issue Date: May 20, 2008	:	
Application No. 10/479,858	:	ON PETITION
Filed: December 8, 2003	:	
Attorney Docket No. 204552030900	:	

This is a decision on the Request for Certificate of Correction filed October 3, 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 JoAnne Burke at (571) 272-4584. 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.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 7374615 Total Records Found: 1

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
09/09/2008	00000006	2	1811	$100.00	07/30/2008	DA 031952

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 10479858 Total Records Found: 14

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
10/06/2008	00004397	4	1464	$130.00	10/03/2008	DA 031952
08/14/2007	00000229	1	1501	$1,400.00	08/13/2007	DA 031952
08/14/2007	00000231	1	8001	$18.00	08/13/2007	DA 031952
08/14/2007	00000230	1	1504	$300.00	08/13/2007	DA 031952
07/12/2007	00000153	1	1806	$180.00	07/11/2007	DA 031952
12/28/2006	00000080	1	1801	$790.00	12/27/2006	DA 031952
02/03/2006	00000182	1	1251	$120.00	02/02/2006	DA 031952
10/19/2005	00000068	1	1806	$180.00	10/18/2005	DA 031952
12/16/2004	00000006	1	1616	$290.00	12/08/2003	DA 031952
12/16/2004	00000007	1	1617	$130.00	12/08/2003	DA 031952
11/17/2004	00000272	1	1615	$450.00	12/08/2003	DA 031952
11/17/2004	00000273	1	1614	$172.00	12/08/2003	DA 031952
09/02/2004	00000134	1	8021	$40.00	08/31/2004	DA 031952
12/16/2003	00000006	1	1613	$920.00	12/08/2003	DA 031952

ASSIGNMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby assign(s), transfer(s) and set(s) over to:

AMMONO. SP. ZO. O.
Czerwonego Krzyza 2/31,
00-377 Warsaw, Poland

and

NICHIA CORPORATION
491-100, Oka, Kaminaka-cho,
Anan-shi, Tokushima 774-8601 Japan

(hereinafter designated as the "ASSIGNEE"), its successors and assigns, the entire right, title, and interest for the United States in the invention, and all applications for patent and any Letters Patent which may be granted therefor, including said application, and all United States Letters Patent which may be granted thereof, and all divisions, reissues, continuations and extensions thereof, the said interest being the entire ownership of said Letters Patent when granted to be held by said ASSIGNEE, its successors, assigns or their legal representatives, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been and enjoyed by Assignor(s) if this assignment had not been made, the application being known by the title:

METHOD AND EQUIPMENT FOR MANUFACTURING ALUMINUM NITRIDE BULK SINGLE CRYSTAL

Attorney Docket No.:

for which the undersigned has/have executed an application for patent in the United States of America on the same day herewith. Where this instrument is not filed concurrently with the application, the following identifying information may be added after execution:

Serial No.: Filing Date:

1. The undersigned hereby agree(s) to sign and execute any further documents and instruments which may be necessary, lawful and proper in the prosecution of said above-named application or in the preparation and prosecution of any continuing, continuation-in-part, substitute, divisional, renewal, reexamination or reissue application or in any amendments, extension of interference proceedings, or otherwise to secure the title thereto to the ASSIGNEE.

2. The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property of similar agreements.

3. The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the ASSIGNEE.

4. The undersigned hereby authorize(s) and request(s) the Commissioner of Patents in the United States to issue any and all Letters Patent resulting from said application or any division or divisions or continuing applications thereof to the said ASSIGNEE.

5. The undersigned hereby grant(s) to the firm of Morrison & Foerster LLP the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREBY, executed by the undersigned on the date(s) opposite the undersigned name(s).

28/11/2003 Date	Typed Name: Robert DWILINSKI
28/11/2003 Date	Typed Name: Roman DORADZINSKI
28/11/2003 Date	Typed Name: Jerzy GARCZYNSKI
28/11/03 Date	Typed Name: Leszek SIERZPUTOWSKI
01/12/2003 Date	Yasuo Kanbara Typed Name: Yasuo KANBARA
Date	Typed Name:

va-15786

10/479858 D

11-16-2004

102881742

Form PTO-1595
(Rev. 03/01)
OMB No. 0651-0027 (exp. 5/31/2002)

R SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

Robert DWILINSKI (11/28/2003); Roman DORADZINSKI (11/28/2003); Jerzy GARCZYNSKI (11/28/2003); Leszek SIERZPUTOWSKI (11/28/2003); and Yasuo KANBARA (12/01/2003)

Additional name(s) of conveying party(ies) attached? [ ] Yes [x] No

3. Nature of Conveyance:

[x] Assignment [ ] Merger

[ ] Security Agreement [ ] Change of Name

[ ] Other

Execution Date: **see Box 1, conveying parties**

2. Name and address of receiving party(ies)

Name: **AMMONO. SP. ZO. O.**

Internal Address:

Street Address:

Czerwonego Krzyza 2/31
00-377 Warsaw, Poland
and
NICHIA CORPORATION
491-100, Oka, Kaminaka-cho
Anan-shi, Tokushima 774-8601 Japan

City:

State: Zip:

Additional name(s) & address(es) attached: [ ] Yes [X] No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the new application is:

A. Patent Application No.(s):
10/479,858

B. Patent No.(s):

Additional numbers attached? [ ] Yes [x] No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **Raj S. Dave'**
MORRISON & FOERSTER LLP

Internal Address: Atty. Dkt.: **204552030900**

Street Address:
2000 Pennsylvania Avenue, NW

City: **Washington** State: **DC** Zip: **20006-1888**

6. Total number of applications and patents involved: **1**

7. Total fee (37 CFR 3.41) $ **40.00**

[ ] Enclosed

[x] Authorized to be charged to deposit account

[ ] Authorized to be charged to credit card
(Form 2038 enclosed)

8. Deposit account number:
03-1952
~~(Attach duplicate copy of this page if paying by deposit account)~~

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Raj S. Dave' - 42,465
Name of Person Signing

Signature

August 31, 2004
Date

Total number of pages including cover sheet, attachments, and documents: 3

VA-77753

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

NOV 19 2007

OFFICE OF PETITIONS

OPPEDAHL PATENT LAW FIRM LLC - VAI
P.O. BOX 4850
FRISCO CO 80443-4850

In re Application of	:	
STEVENS, Johns	:	
Application No. 10/479,869	:	DECISION ON PETITION
Filed: October 18, 2004	:	TO WITHDRAW
Attorney Docket No. **VAI.P-019**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 25, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to OPPEDAHL PATENT LAW FIRM LLC - VAI has been revoked by the assignee of the patent application on October 12, 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 Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **MARINA LARSON & ASSOCIATES, LLC**
RE:VAI
P.O. BOX 4928
DILLON, CO 80435-4928

01 MAR 2004

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Ginger R. Dreger
Heller Ehrman White & McAuliffe
275 Middlefield Road
Menlo Park, CA 24025

In re Application of SHELTON, David Application No.: 10/479,872 PCT Application No.: PCT/US02/15284 International Filing Date: 09 May 2002 Priority Date: 30 May 2001 Attorney Docket No.: 39766-0078APC For: ANTI-NGF ANTIBODIES FOR THE TREATMENT OF VARIOUS DISORDERS	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's "Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the United States Patent and Trademark Office on 05 December 2003 is GRANTED.

BACKGROUND

On 09 May 2002, applicant filed international application number PCT/US02/15284, claiming priority of an earlier U.S. provisional application, filed on 30 May 2001. The United States of America was designated in the Request. The thirty month period for paying the basic national fee in the United States expired at midnight on Monday, 01 December 2003, with the result that the international application became abandoned as to the United States of America on that date.

On 05 December 2003, the present petition to revive was submitted with the required $1330.00 petition fee. On 05 December 2003, applicant also filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

With regard to item (1) above, applicant's statement that "[t]he entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfies the requirements of 37 CFR 1.137(b)(3).

With regard to item (2) above, applicant filed national stage filing papers and fees on 05 December 2003.

With regard to item (3) above, applicant has provided the required petition fee.

With regard to item (4), a terminal disclaimer is not required as application was filed after 08 June 1995.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is GRANTED as to National Stage in the United States of America.

The application has an international filing date of 09 May 2002 under 35 U.S.C. 363. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.

Michael La Villa
Detailee
Office of PCT Legal Administration
Telephone: (703) 308-6162
Facsimile: (703) 308-6459

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (703) 308-6461
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Robert S. Pippenger
Shumaker, Loop & Kendrick, LLP
P.O. Box 172609
Tampa, FL 33672-0609

COPY MAILED
JAN 14 2009

In re Application of	:	
Alvin Berlat	:	
Application No. 10/479,877	:	DECISION ON PETITION
Filed: May 3, 2004	:	
Attorney Docket No. D18985-115624	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on November 10, 2008, to revive the above-identified application.

The application became abandoned for failure to file a reply to the Restriction/Election Requirement mailed September 21, 2007. A Notice of Abandonment was mailed on May 19, 2008.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED.**

A courtesy copy of this decision is being mailed to the address given in the present petition. Thereafter, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

The application file is being referred to Technology Center Art Unit 1615 for review of the response filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Robert S. Pippenger
Shumaker Loop & Kendrick
101 E. Kennedy Blvd., Suite 2800
Tampa, FL 33672-0609

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/15/07

TO SPE OF : ART UNIT 3634

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/479893** Patent No.: **7168475**

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 123

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Blair M. Johnson
Primary Examiner

3634

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/15/07

TO SPE OF : ART UNIT 3634

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/479893** Patent No.: **7168475**

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 123

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Blair M. Johnson
Primary Examiner

_____ **SPE**

3634 **Art Unit**

04 MAY 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

GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES CA 90045

In re Application of	:	
LOOK et al.	:	
Application No.: 10/479,909	:	DECISION ON
PCT No.: PCT/US01/02310	:	
Int. Filing Date: 24 January 2001	:	PETITION UNDER
Priority Date: 25 January 2000	:	
Attorney Docket No.: 30566101USWO	:	37 CFR 1.137(b)
For: METHOD AND APPARATUS FOR	:	
PROVIDING ACCESS TO AND WORKING WITH	:	
ARCHITECTURAL DRAWINGS ON THE INTERNET	:	

This decision is in response to applicants' submission filed 05 December 2003.

BACKGROUND

On 24 January 2001, applicants filed international application PCT/US01/02310, which claimed a priority date of 25 January 2000. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 02 August 2001. A Demand for international preliminary examination in which the United States was elected, was filed on 26 July 2001, 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 25 July 2002.

On 05 December 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; an unexecuted declaration of inventors; a "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)"; and a "STATEMENT IN SUPPORT OF PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)".

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 05 December 2003

As to item (2), applicant submitted the petition fee on 05 December 2003.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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 including preparing and mailing 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) and the surcharge under 37 CFR 1.492(e) for providing the oath later than thirty months from the priority date are required.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (703) 308-2066
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

COPY MAILED

OCT 0 2 2008

OFFICE OF PETITIONS

In re Patent No. 7,323,337	:	DECISION ON REQUEST
Hanazono et al.	:	FOR RECONSIDERATION OF
Issue Date: January 29, 2008	:	PATENT TERM ADJUSTMENT
Application No. 10/479,912	:	
Filed: June 22, 2004	:	
Atty Docket No. 50026/042001	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705" filed March 31, 2008. Patentees request that the Patent Term Adjustment indicated in the Issue Notification and on the face of the patent be corrected from zero (0) days to twenty-five (25) days.

The request for reconsideration of the patent term adjustment indicated on the patent is **DISMISSED**.

Patentees are given **TWO (2) MONTHS** from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

On January 29, 2008, the above-identified application matured into U.S. Patent No. 7,323,337. The instant request for reconsideration filed Monday, March 31, 2008 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 0 days. Patentees dispute the reduction of 58 days associated with the filing of a "miscellaneous incoming letter" received in the Office on December 3, 2007. Patentees contend that on an additional 12 days of applicant delay, under 37 CFR 1.704(c)(10), stems from the submission of the amendment under 37 CFR 1.312.

Patentees' calculation is incorrect. Patentee calculates a period of reduction of 12 days, counting the number of days beginning on December 3, 2007, the date of filing of the amendment, and ending on December 15, 2007, the date that the Patent Term Adjustment History in PAIR indicates that the "Application is Considered Ready for Issue.[1]" However, the proper ending date is January 29, 2008, the date of issuance of the patent.

In view thereof, the revised patent term adjustment of zero (0) days indicated on the patent is correct.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

[1] Even if these were the proper dates to consider, the period of reduction would be 13 days, not 12 days. As the counting begins on December 3, 2007, December 3, 2007 is counted as day 1, not day 0.

25 JUN 2004

#3

UNITED STATES 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 Stein
BOYLE FREDERICKSON NEWHOLM
STEIN & GRATZ S.C.
250 East Wisconsin Avenue, Suite 1030
Milwaukee, Wisconsin 53202

In re Application of	:	
Jean-Peirre LE PABIC	:	
Application No.: 10/479919	:	
PCT Application No.: PCT/FR02/01511	:	DECISION ON
International Filing Date: 02 May 2002	:	
Priority Date: 14 May 2001	:	PETITION UNDER
Attorney Docket No.: 229.025	:	
For: Beehive Base Device	:	37 CFR 1.137 (b)

This is in response to applicants' petition under 37 CFR 1.137 (b) filed on 24 December 2003, to revive the above identified application.

BACKGROUND

On 02 May 2002, applicant filed international application number PCT/FR02/01511, which claims priority to French Application 01/06290, filed 14 May 2001. A copy of the international application was communicated from the International Bureau to the United States Patent and Trademark Office on 28 June 2002.

On Midnight 14 November 2003, international application became abandoned with respect to the failure to pay national stage filing fee within 30 months from priority date of the international application.

On 24 December 2003, applicants submitted a petition for revival.

DISCUSSION

A petition to revive under 37 CRF 1.137 (b) must be accompanied by: (1) a proper response, unless it has been previously submitted; (2) the requisite petition fee as required by 37 CFR 1.17 (m); (3) a statement that the " entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137 (c).

On 22 August 2003, applicant filed the present petition to revive the national stage application under 37 CFR 1.137 (b). Filed with the present petition were, inter alia: (1) the requisite $665 Petition fee; (2) a Transmittal Letter for entry into the national stage in the United States of America under 35 U.S.C. 371 and the requisite national fee; and (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional,".

The application and papers have been reviewed and have been found to be in compliance with 37 CFR 1.137 (b).

The declaration submitted on 05 December 2003 is not in compliance with 37 CFR 1.69(b), specifically applicant has not used one of the pre-approved foreign language form nor has furnished the requisite statement attesting to the accuracy if the translation.

CONCLUSION

The petition to revive the international application under 37 CFR 1.137 (b) is GRANTED as to the National Stage in the United States of America.

Applicant is hereby notified that the $665 petition fee will be charged to deposit account No. 50-1170.

Applicant is required to submit either 1) a new oath or declaration in compliance with 37 CFR 1.497 (a) and (b) or 2) the requisite statement under 37 CFR 1.69(b) that the translation is accurate. A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely furnish the proper response will result in ABANDONMENT.

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, and USA and address the contents of the letter to the attention of the Office of PCT Legal Administration.

Michael Lebentritt
Detailee
Office of PCT Legal Administration
Telephone (703) 308-6162
Facsimile (703) 308-6459

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (703) 308-6461
Facsimile: (703) 308-6459

19 NOV 2004

#7

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Boyle Fredrickson Newholm Stein & Gratz
250 East Wisconsin Avenue
Suite 1030
Milwaukee WI 53202

In re Application of	:	
LE PABIC, Jean-Peirre	:	
Application No.: 10/479,919	:	NOTIFICATION
PCT No.: PCT/FR02/01511	:	
Int. Filing Date: 02 May 2002	:	
Priority Date: 14 May 2001	:	
Attorney's Docket No.: 229.025	:	
For: BEEHIVE BASE DEVICE	:	

This decision is in response to applicant's submission filed 23 August 2004 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 May 2002, applicant filed international application PCT/FR02/01511, which designated the United States and claimed a priority date of 14 May 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 28 June 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 November 2003.

On 24 December 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, an assertion of small entity status, a declaration of inventors, and a petition under 37 CFR 1.137(b).

On 25 June 2004, a decision was mailed granting applicant's petition under 37 CFR 1.137(b) and requiring that applicant submit either 1) a new oath or declaration in compliance with 37 CFR 1.497(a)-(b) or 2) the requisite statement under 37 CFR 1.69(b) that the translation is accurate. A two-month extendable period for response was set.

On 19 July 2004, applicant filed an English translation of the application and verification statement attesting to the accuracy of the translation of the application.

On 06 August 2004, a Notification of Defective Reply was mailed indicating that applicant's submission filed 19 July 2004 was not a proper reply to the decision mailed 25 June 2004 in that a new oath or declaration or a verification statement as to the accuracy of the declaration (rather than the application) was required.

On 23 August 2004, applicant filed the instant submission.

DISCUSSION

The statement by Thierry Schmit included with the instant submission satisfies 37 CFR 1.69(b).

The surcharge for a small entity under 37 CFR 1.492(e) ($65) for providing the oath or declaration later than thirty months from the priority date has been charged to Deposit Account 50-1170.

CONCLUSION

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED
FROM DIRECTORS OFFICE
MAY 11 2006
TECHNOLOGY CENTER 3600

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

David D.Stein
Boyle, Fredrickson, Newholm, Stein & Gratz, S.C.
250 Plaza Building, Suite 1030
250 East Wisconsin Avenue
Milwaukee, WI 53202

In re Application of	:	
Jean-Pierre Le Pabic	:	DECISION ON PETITION
Application No. 10/479,919	:	UNDER
Filed: August 23, 2004	:	37 CFR 1.181
For: BEEHIVE BASE DEVICE	:	

This is in response to the petition for "Request For Corrected/ Amended Office Action and Resetting of Time Period For Response" letter filed on filed on December 30, 2005. This petition has been treated as a petition filed under 37 CFR 1.181.

A review of the file history indicates that the Examiner had mailed out a non-final office action on December 19, 2005 rejecting claims 1 and 2 under 35 USC 102(b) as being anticipated by Jonian US Patent no. 1,535,920 and withdrawing claims 3-11 from further consideration as these claims were noted in the office action that they were improper multiple dependent claims. The Examiner had also listed claims 1-11 as being the pending claims.

A preliminary amendment was filed on December 5, 2003 that has amended claims 1-5, 7-11 and inserted new claims 12-22. As the preliminary amendment appeared to correct the improper multiple dependent claims of 3-5 and 7-11 and have added new claims 12-22, it would appear that the examiner had not taken the preliminary amendment filed December 5, 2003 into account.

Therefore the petition has been **GRANTED**. The non-final office action mailed on December 19, 2005 is hereby vacated and the application is being returned to the Examiner for consideration of the preliminary amendment filed December 5, 2003. No further action is deemed necessary from the applicant at this time.

Donald T. Hajec
Director, TC 3600
(571) 272-5150

pmp: 3/6/06

05 APR 2005

#7

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Martin P. Endres
Hedman & Costigan, P.C.
1185 Avenue of Americas
New York, NY 10036

In re Application of	:	
LI et al.	:	
Application No.: 10/479,932	:	DECISION ON PETITION
PCT No.: PCT/US02/17713	:	
Int. Filing Date: 05 June 2002	:	
Priority Date: 21 June 2001	:	
Attorney Docket No.: 141-295	:	
For: STABLE PHARMACEUTICAL COMPOSITIONS CONTAINING PREVASTATIN		

This decision in response to applicant's "Petition under 37 CFR 1.181" filed 10 February 2005. No petition fee is required. The $400 petition fee submitted with the petition has been refunded to Deposit Account. No 08-1540.

BACKGROUND

On 05 June 2002, applicant filed international application PCT/US02/17713 which claimed a priority date of 21 June 2001. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, or at midnight on 21 December 2003.

On 05 December 2003, applicant 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 an information disclosure statement.

On 16 April 2004, 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 10 February 2005, applicant filed the present petition which was accompanied, among other things: a copy of the declaration and power of attorney filed 29 April 2004; post card receipt dated 29 April 2004; and a transmittal letter dated 29 April 2004.

DISCUSSION

Applicant states in their present petition that a declaration and power of attorney was received at the United States Patent and Trademark Office on 29 April 2004. A review of the present application reveals that the declaration and power of attorney filed 29 April 2004 is not located therein. Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

> "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

Here, applicant has provided a copy of their date-stamped filing receipt. The receipt identifies the application by application number and attorney docket number. The receipt itemizes a declaration executed by the inventors. The receipt is stamped "Rec'd. OIPE NOV. 29 APR, 2004" across its face is sufficient to indicate that the declaration and power of attorney was in fact received in the Office on 29 April 2004.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

This application will be given an international filing date of 05 June 2002 and a date of **29 April 2004** 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
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

23 JUN 2005

#8

UNITED STATES PATENT AND TRADEMARK OFFICE

23 JUN 2005

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Clifford J. Mass
Ladas & Parry, LLP
26 West 61st Street
New York, NY 10023

In re Application of	:	
MANKO, et al.	:	
Application No.: 10/479,949	:	DECISION ON PETITION
PCT No.: PCT/PL02/00037	:	
Int. Filing Date: 05 June 2002	:	UNDER 37 CFR 1.181
Priority Date: 06 June 2001	:	
Attorney Docket No.: U 014875-1	:	
For: A METHOD FOR PRODUCTION OF THE SOLID	:	
FUEL FROM BIOMASS	:	

This decision is in response to applicant's "Second Request For Reconsideration" filed 18 May 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 December 2004, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 as to the alleged non-receipt of a "Notification of Missing Requirements" mailed 20 April 2004. $475.00 was charged to applicant's deposit account as payment of a three-month extension of time to make the submission of the filed declaration timely. Applicant was afforded two months to file any request for reconsideration.

On 18 May 2005, applicant filed the present petition including a copy of a petition filed 13 December 2004.

DISCUSSION

I. Proof of Prior Filing

Applicant has provided a legible copy of the receipt postcard which shows a USPTO date stamp, "OIPE JC173 Patent & Trademark Office DEC 13 2004" and clearly identifies in part: "REPLY TO DECISION ON PETITION AND REQUESTS FOR REFUND" as well as listing the applicant, serial number, title and attorney docket number. The evidence is sufficient to establish that the renewed petition was received in the USPTO on 13 December 2004.

II. Request For Refund

As detailed in the decision mailed 02 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 provided a statement that the Office Action was not received, however, applicant did not satisfy the other three requirements. Applicant's present filing references an attached copy of t he relevant docket record; however, the copy was not included. In addition, applicant has not included a statement that a search of the file jacket indicates that the Office action was not received. Therefore, it is not possible to grant applicant's request for refund at this time. Lastly, applicant references an additional request for refund filed 05 November 2004 for $380.00. No such request is found in the application file. If applicant includes a copy in response to the present decision it will be considered as well.

CONCLUSION

Applicant's renewed 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

02 DEC 2004

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Clifford J. Mass
Ladas & Parry, LLP
26 West 61st Street
New York, NY 10023

In re Application of MANKO, et al. Application No.: 10/479,949 PCT No.: PCT/PL02/00037 Int. Filing Date: 05 June 2002 Priority Date: 06 June 2001 Attorney Docket No.: U 014875-1 For: A METHOD FOR PRODUCTION OF THE SOLID FUEL FROM BIOMASS	DECISION ON PETITION UNDER 37 CFR 1.181

This decision is in response to applicant's correspondence filed 14 September 2004 in the United States Patent and Trademark Office (USPTO). The submission is being treated as a petition under 37 CFR 1.181. No petition fee is required

BACKGROUND

On 05 June 2002, applicants filed the international application, which claimed a priority date of 06 June 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 12 December 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, 06 December 2003.

On 08 December 2003, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee, an English translation of the international application and a preliminary amendment.

On 20 April 2004, 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 file an executed oath or declaration of the inventors. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 29 July 2004, applicant filed a letter with the USPTO stating that the Form PCT/DO/EO/905 had not been received.

On 03 September 2004, applicant was mailed a courtesy copy of the Form

PCT/DO/EO/905 mailed 20 April 2004 and advised that the period for reply continued to run from the mail date of that notice.

On 14 September 2004, applicant filed the present petition asserting that the Form PCT/DO/EO/905 was never received accompanied by an executed combined declaration and power of attorney.

DISCUSSION

As detailed in 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 provided a statement that the Office Action was not received, however, applicant has not satisfied the other three requirements and it is not possible to grant applicant's petition at this time. Therefore, in order to accept the presently filed declaration as timely, as authorized, a small entity, three-month extension of time fee of $475.00 will be charged to Deposit Account No.: 12-0425.

Applicant may wish to file a renewed petition under 37 CFR 1.181 addressing the remaining requirements spelled out above. (in effect a petition for refund of the extension of time payment)

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.

The application will be given an international filing date of 05 June 2002 under 35 U.S.C.

363 and a date of **14 September 2004** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) indicating a 371 date as detailed above.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

07 DEC 2006

Clifford J. Mass
Ladas & Parry, LLP
26 West 61st Street
New York, NY 10023

In re Application of	:	
MANKO, et al.	:	
Application No.: 10/479,949	:	DECISION ON PETITION
PCT No.: PCT/PL02/00037	:	
Int. Filing Date: 05 June 2002	:	UNDER 37 CFR 1.181
Priority Date: 06 June 2001	:	
Attorney Docket No.: U 014875-1	:	
For: A METHOD FOR PRODUCTION OF THE SOLID	:	
FUEL FROM BIOMASS	:	

This decision is in response to applicant's "Renewed Petition and Renewed Requests For Two Refunds" filed 18 July 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 23 June 2005, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 as to the alleged non-receipt of a "Notification of Missing Requirements" mailed 20 April 2004. Applicant was afforded two months to file any request for reconsideration.

On 18 July 2005, applicant filed the present petition.

DISCUSSION

It is noted that applicant continues to insist that the matter at hand should be handled pursuant to MPEP section 710.06 and that the Office is imposing unnecessary requirements. This is not the case. MPEP section 710.06 provides relief to reset a period for reply due to late receipt of an office action or due to a postmark date later than the mail date printed on an office action. Neither scenario exists in the present case. As explained in the original decision mailed 02 December 2004:

A Form PCT/DO/EO/905 was mailed to applicant on 20 April 2004.

On 29 July 2004, applicant filed a letter with the USPTO stating that the Form PCT/DO/EO/905 had not been received.

On 03 September 2004, applicant was mailed a courtesy copy of the Form PCT/DO/EO/905 mailed 20 April 2004 and advised that the period for reply continued to run from the mail date of that notice.

Applicant then filed a response and a petition on 14 September 2004. Since applicant received a courtesy copy and claims to never have received the original mailed 20 April 2004, MPEP 710.06 cannot apply. The original Form PCT/DO/EO/905 allegedly never arrived; therefore there can be no "late receipt." Relief is provided pursuant to 37 CFR 1.181 for non-receipt of an Office action.

Renewed Petition Under 37 CFR 1.181

As detailed in the decision mailed 02 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 stated that the item was not received. Applicant has presently included a statement that a search of the file jacket and docket record indicates that the Form PCT/DO/EO/905 mailed 20 April 2004 was not received; thus satisfying these items. It is noted that while applicant has included a copy of a docket record; it appears to only be the docket record for the present application. In order to satisfy this item applicant must include a copy of the docket record for the entire firm for the time period where the non-received Office action would have been entered had it been received and docketed. This is to ensure that the Office action was not in fact received and inadvertently docket to another application. At this time it is not possible to grant applicant's renewed petition.

Lastly, applicant again references an additional request for refund filed 05 November 2004 for $380.00 and states that copy of the request and postcard are included. No such items were included with the present filing.

CONCLUSION

Applicant's renewed 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

12 FEB 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Clifford J. Mass
Ladas & Parry, LLP
26 West 61st Street
New York, NY 10023

In re Application of	:	
MANKO, et al.	:	
Application No.: 10/479,949	:	DECISION ON PETITION
PCT No.: PCT/PL02/00037	:	
Int. Filing Date: 05 June 2002	:	UNDER 37 CFR 1.181
Priority Date: 06 June 2001	:	
Attorney Docket No.: U 014875-1	:	
For: A METHOD FOR PRODUCTION OF THE SOLID	:	
FUEL FROM BIOMASS	:	

This decision is in response to applicant's "Renewed Petition and Response to Decision of 7 December 2006" filed 19 December 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 07 December 2006, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 as to the alleged non-receipt of a "Notification of Missing Requirements" mailed 20 April 2004. Applicant was afforded two months to file any request for reconsideration.

On 19 December 2006, applicant filed the present renewed petition.

DISCUSSION

As detailed in the decision mailed 07 December 2006, 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 items except for providing a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. Applicant provided a copy of the docket record for this particular application; but not for the

entire firm for the relevant period. As explained in the decision of 07 December 2006, this is necessary to ensure that the office action was not mistakenly docketed to another application. Applicant has presently raised concerns regarding confidential information contained in the firm's docket record being provided to the USPTO. Applicant may redact the docket record as necessary. The only information required would be the application numbers and actions taken / received for the relevant period to assure that the Form PCT/DO/EO/905 mailed 20 April 2004 was not actually received and docketed to another application.

At this time it is not possible to grant applicant's renewed petition.

CONCLUSION

Applicant's renewed 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

24 APR 2007

Clifford J. Mass
Ladas & Parry, LLP
26 West 61st Street
New York, NY 10023

In re Application of MANKO, et al. Application No.: 10/479,949 PCT No.: PCT/PL02/00037 Int. Filing Date: 05 June 2002 Priority Date: 06 June 2001 Attorney Docket No.: U 014875-1 For: A METHOD FOR PRODUCTION OF THE SOLID FUEL FROM BIOMASS	DECISION ON PETITION UNDER 37 CFR 1.181

This decision is in response to applicant's renewed petition filed 16 February 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 12 February 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 as to the alleged non-receipt of a "Notification of Missing Requirements" mailed 20 April 2004. Applicant was afforded two months to file any request for reconsideration.

On 16 February 2007, applicant filed the present renewed petition.

DISCUSSION

As detailed in the previous decisions, 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 items except for providing a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. As explained in the decision of 07 December 2006, the copy of the docket record limited to the instant application is insufficient.

Applicant again insists that the procedures concerning establishment of non-receipt of an Office Action do not apply to the instant application, but rather requests relief under MPEP 710.06 for late receipt of an Office Action. This argument has been considered and dismissed on numerous prior occasions. As applicant stated in the original petition filed 14 September 2004, applicant received only a courtesy copy, clearly identified as such, of the originally mailed Form PCT/DO/EO/905. MPEP 710.06 does not apply to courtesy copies of Office Actions. To hold otherwise would allow any Office Action period to be restarted without having to establish non-receipt simply by requesting, and the Office, undertaking the courtesy of, providing a copy of the previously mailed Office Action to the applicant. Applicant has not provided a copy of the docket record and the renewed request for refund is denied.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.181 is **DENIED**.

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.

Charles Pearson
Director
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

27 JUN 2007

Ladas & Parry, LLP
26 West 61st Street
New York, NY 10023

In re Application of	:	
MANKO, et al.	:	
Application No.: 10/479,949	:	DECISION ON PETITION
PCT No.: PCT/PL02/00037	:	
Int. Filing Date: 05 June 2002	:	UNDER 37 CFR 1.181
Priority Date: 06 June 2001	:	
Attorney Docket No.: U 014875-1	:	
For: A METHOD FOR PRODUCTION OF THE SOLID	:	
FUEL FROM BIOMASS	:	

This decision is in response to applicant's request for reconsideration of denial filed 01 May 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 24 April 2007, applicant was mailed a decision denying applicant's petition under 37 CFR 1.181 and request for refund of extension of time fee payment as to the alleged non-receipt of a "Notification of Missing Requirements" mailed 20 April 2004.

On 01 May 2007, applicant filed the present renewed petition.

DISCUSSION

Applicant continues to label the subject "Notification of Missing Requirements" (Form PCT/DO/EO/905) as having been received late. In fact applicant has never produced any evidence to show that the original Form PCT/DO/EO/905 mailed 20 April 2004 was in fact received late. Indeed, applicant's own filings show that the originally mailed Form PCT/DO/EO/905 was never received. On 29 July 2004, applicant filed a paper indicating that a Form PCT/DO/EO/905 had not been received.

Applicant's filing of 14 September 2004 states, "A copy of FORM PCT/DO/EO/905 accompanies this response." Included in the filing is a paper from the USPTO entitled "Cover Letter For Resending Correspondence" which labels the included Form PCT/DO/EO/905 as a courtesy copy and states that the time period for reply continues to run. Thus, it is clear that applicant responded to this courtesy copy which required a two-month extension of time payment in order to be considered timely filed. Since applicant allegedly never received the Form PCT/DO/EO/905 mailed 20 April 2004 it cannot be considered late.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.181 is **DENIED**.

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.

Charles Pearson
Director
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOSEPH S. TRIPOLI
THOMSON MULTIMEDIA LICENSING INC
P.O. BOX 5312
PRINCETON, NJ 08543-5312

COPY MAILED

OCT 09 2007

OFFICE OF PETITIONS

In re Application of :
Donald Henry Willis :
Application No. 10/479,950 : ON PETITION
Filed: December 8, 2003 :
Attorney Docket No. P U 010120 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 29, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed September 20, 2006, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 21, 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.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2629 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE PLC
P O BOX 19928
ALEXANDRIA, VA 22320

COPY MAILED

OCT 1 8 2005

OFFICE OF PETITIONS

In re Application of
Daisuke Kojima et al
Application No. 10/479,961
Filed: December 8, 2003
Attorney Docket No. 117995

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition, filed October 17, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 13, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3747 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b) (along with any balance due or the amount due at the time of payment), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Martin Vorbach	: DECISION ON REQUEST FOR
Patent Number	: 7657877	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/480,003	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1020** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FULWIDER PATTON LEE & UTECHT
HOWARD HUGHES CENTER
6060 CENTER DRIVE, 10TH FLOOR
LOS ANGELES, CA 90045

COPY MAILED

JAN 0 2 2008

OFFICE OF PETITIONS

In re Application of
KAISE, et al.
Application No. 10/480,005
Filed: December 3, 2003
Attorney Docket No. **SONYP 63867**

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 27, 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 19, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2621 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 for
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Fulwider Patton Lee & Utecht
Howard Hughes Center
Tenth Floor
6060 Center Drive
Los Angeles CA 90045

COPY MAILED
AUG 12 2008

In re Application of
KAISE et al.
Application No. 10/480,005
Filed: 12/03/2003
Attorney Docket No. SONYP.63867

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed May 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on January 14, 2008, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on April 15, 2008. A Notice of Abandonment was mailed on May 5, 2008.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioners have supplied (1) the required reply in the form of payment of the issue fee; (2) the petition fee; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

This matter is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries concerning the issuance of the application into a patent should be directed to the Office of Data Management, Customer Service at (571) 272-4200.

Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Sep-08

FULWIDER PATTON LEE & UTECHT
HOWARD HUGHES CENTER
TENTH FLOOR
6060 CENTER DRIVE
LOS ANGELES CA 90045

COPY MAILED

SEP 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Kaise et al	:	
Application No:10/480,005	:	LETTER
Filing Date: December 3, 2003	:	
Attorney Docket Number:	:	
SONYP.63867		

This is a decision on the paper filed August 22, 2008, titled "Request For Refund".

The request for refund is **DISMISSED**.

This application became abandoned for failure to pay the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on January 14, 2008, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on April 15, 2008. A Notice of Abandonment was mailed on May 5, 2008.

A petition to revive under 37 CFR 1.137(a) (with fee $510) was filed on May 21, 2008. The petition was granted on August 12, 2008.

Petitioner has now filed the instant request for a refund of the petition fee submitted on May 21, 2008.

Petitioner's attention is directed to MPEP 711.03(c):

[T]he petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of

whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

As can be seen from the above, refunding the petition fee is not appropriate.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

16 MAY 2005

#7

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

PATENT DEPT
EXELIXIS, INC.
170 HARBOR WAY
P.O. BOX 511
SOUTH SAN FRANCISCO CA 94083-0511

In re Application of	:	DECISION ON
Friedman et al	:	
Application No.: 10/480,021	:	
PCT No.: PCT/US02/21112	:	
Int. Filing Date: 02 June 2002	:	PETITION UNDER
Priority Date: 05 June 2001	:	
Attorney's Docket No.: EX02-068C-US	:	
For: GFATs AS MODIFIERS OF THE p53	:	
PATHWAY AND METHODS OF USE	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 06 April 2005.

BACKGROUND

On 02 June 2002, this international application was filed, claiming an earliest priority date of 05 June 2001. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 05 December 2003.

On 04 December 2003, applicants filed the Transmittal letter for entry into the national stage in the United States, which was accompanied by, basic national fee. No executed declaration or oath was filed at such time.

On 07 May 2004, 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 complying with 37 CFR 1.497(a) and (b), identifying the application by the 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 CFR 1.66 or 37 CFR 1.68. The notification also stated the items must be furnished within two (2) months from the date of the notice or 32 months from the priority date for the application, whichever is later and failure to respond will result in abandonment of the national stage application.

On 17 February 2005, applicants submitted an executed declaration.

On 11 March 2005, the USPTO mailed applicant Notification of Abandonment (Form PCT/DO/EO/909) indicating the application was abandoned because applicants have failed to properly respond to the notification of MISSING REQUIREMENT (Form PCT/DO/EO/905), mailed 05/07/2004 within the time period set therein.

On 06 April 2005, applicants filed in the United States Patent and Trademark Office (PTO) the instant petition, accompanied by the petition fee for revival of an unintentionally abandoned application.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Applicants have satisfied requirements (2), (3), and (4) under 37 CFR 1.137(b) but not requirement (1).

Applicants have not provided: (1) the proper reply that is a properly executed declaration. The declaration filed on 17 February 2005 is defective since it does not comply with 37 CFR 1.497(a)(3). A Declaration, under 37 CFR 1.497(a)(3) must identify each inventor. See MPEP § 602. In this instance, applicants submitted a composite declaration comprising of three (3) sets of declarations, one is complete the other two are incomplete since there is one copy of sheet two, and two copies of sheet three. Each declaration must contain the names all inventors on it and not as here in which each there are copies of the same pages. The signatures of the inventors may be on separate declarations but each declaration must list all the inventors. Therefore the composite Declaration is defective.

Applicants have provided: (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is not deemed to satisfy all the requirements under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

A proper response to this decision is a new declaration, which must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to respond will result in the abandonment of the 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.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

#10

UNITED STATES PATENT and TRADEMARK OFFICE

17 JAN 2006

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

PATENT DEPT
EXELIXIS, INC.
170 HARBOR WAY
P.O. BOX 511
SOUTH SAN FRANCISCO CA 94083-0511

In re Application of Friedman et al Application No.: 10/480,021 PCT No.: PCT/US02/21112 Int. Filing Date: 02 June 2002 Priority Date: 05 June 2001 Attorney's Docket No.: EX02-068C-US For: GFATs AS MODIFIERS OF THE p53 PATHWAY AND METHODS OF USE	DECISION ON RENEWED PETITION UNDER 37 CFR 1.137(b)

This decision is in response to applicants' declaration filed on 15 June 2005 which has been treated as a renewed petition for revival of an international application for patent designating the U.S. abandoned unintentionally under 37 CFR 1.137(b).

On 06 April 2005, applicants filed in the United States Patent and Trademark Office (PTO) the instant petition, accompanied by the petition fee for revival of an unintentionally abandoned application. In a decision mailed on 16 May 2005, applicants' petition was dismissed because applicants did not submit the required reply, namely a proper oath or declaration of the inventors. The decision set a two-month period in which to submit a proper oath or declaration of the inventors. An acceptable declaration was filed on 15 June 2005.

The request to revive the application abandoned under 35 U.S.C. 371(d) is **GRANTED** as to the National stage in the United States of America. The application will be given an international filing date of 02 June 2002 under 35 U.S.C. 363, and a date of 15 June 2005 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 PCT Operations for continued processing.

Leonard E. Smith
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3297 Facsimile: (571) 273-0459

15 JUL 2005

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Harrison & Egbert
412 Main Street, 7th Floor
Houston, TX 77002

In re Application of Papierok et al. Application No. 10/480,026 Atty. Docket No.: 1811-42 For: Vaccine Complex For Preventing Or Treating Leishmaniases	:	DECISION ON PETITION

This is in response to the "Petition For Entry Into U.S. National Stage And Withdrawal Of A Holding Of Abandonment Under 37 CFR § 1.8(b)" filed on 27 July 2004.

BACKGROUND

On 08 December 2003, applicant filed a submission to enter the U.S. national phase under 35 U.S.C. 371. The Transmittal Letter identified international application "PCT/FR01/01823." In the absence of any written communication from the USPTO regarding this submission, applicants filed the instant petition.

DISCUSSION

Applicants assert that this application is "not in fact abandoned. Applicant timely filed the requirements to enter U.S. National Stage... on December 8, 2003, before the deadline expired on December 11, 2003..." The U.S. national stage application of PCT/FR***01***/01823 is in fact not abandoned. However, applicants' intent appears to be that the 08 December 2003 national stage submission identified an incorrect international application number and should be directed to PCT/FR***02***/01823. In numbered paragraph 8 of the petition, counsel calls attention to the fact that certain of the papers filed 0n 08 December 2003 incorrectly refer to PCT/FR01/01823, rather than PCT/FR02/01823. In particular, the reference to PCT/FR01/01823, rather than PCT/FR02/01823, occurs on the Transmittal Letter, Application Data Sheet and Preliminary Amendment. In order to resolve this question, applicants must file a petition (and fee) under 37 CFR 1.182 explaining how the original submission adequately identified the correct PCT number notwithstanding the error on the above-identified papers.

It is noted that the purported English translation of the international application filed on 08 December 2003 appears to be defective. In particular, the translation includes 11 claims, whereas the published international application included 16 claims. Moreover, claim 1 of the purported translation is facially different from claim 1 of the published international application. Should the present application be treated as the U.S. national phase of PCT/FR02/01823 on petition, a new translation and processing fee under 37 CFR 1.492(i) will be required.

DECISION

The petition is **DISMISSED**, without prejudice.

Applicants have **TWO (2) MONTHS** from the mailing date of this decision to file the proper response indicated above. This period is **NOT EXTENDABLE** under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of the instant application.

Please direct any 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.

Boris Milef
PCT Legal Examiner
PCT Legal Office

George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3283
Fax: (571) 273-0459

22 SEP 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

Harrison & Egbert
412 Main Street, 7th Floor
Houston, TX 77002

In re Application of	:	
Papierok et al.	:	
Application No. 10/480,026	:	DECISION
PCT App. No.: PCT/FR02/01823	:	
Int. Filing Date: 30 May 2002	:	ON
Priority Date: 11 June 2001	:	
Atty. Docket No.: 1811-42	:	PETITION
For: Vaccine Complex For Preventing	:	
Or Treating Leishmaniases	:	

This is in response to the petition under 37 CFR § 1.182 filed on 01 August 2005.

DISCUSSION

In a decision mailed on 15 July 2005, the "Petition For Entry Into U.S. National Stage..." filed on 27 July 2004 was dismissed without prejudice because

> Applicants assert that this application is "not in fact abandoned. Applicant timely filed the requirements to enter U.S. National Stage... on December 8, 2003, before the deadline expired on December 11, 2003..." The U.S. national stage application of PCT/FR***01***/01823 is in fact not abandoned. However, applicants' intent appears to be that the 08 December 2003 national stage submission identified an incorrect international application number and should be directed to PCT/FR***02***/01823. In numbered paragraph 8 of the petition, counsel calls attention to the fact that certain of the papers filed on 08 December 2003 incorrectly refer to PCT/FR01/01823, rather than PCT/FR02/01823. In particular, the reference to PCT/FR01/01823, rather than PCT/FR02/01823, occurs on the Transmittal Letter, Application Data Sheet and Preliminary Amendment. In order to resolve this question, applicants must file a petition (and fee) under 37 CFR 1.182 explaining how the original submission adequately identified the correct PCT number notwithstanding the error on the above-identified papers.

The instant petition attributes the discrepancy in the international application number identified in the papers filed on 08 December 2003 to a "clerical error," the result of which was that "certain documents were mis-labeled as 'PCT/FR01/01823'." Counsel further argues that "the content of all of the documents clearly manifests the intent and meets the requirements to enter the U.S. National Stage for PCT/FR02/01823 and not PCT/FR01/01823." Based on the totality of the evidence currently of record, it would now be appropriate to conclude that the papers filed on 08 December 2003 were in fact intended to be directed to the national stage of PCT/FR02/01823.

The decision mailed on 15 July 2005 further stated that

> It is noted that the purported English translation of the international application filed on 08 December 2003 appears to be defective. In particular, the translation includes 11 claims, whereas the published international application included 16

claims. Moreo[illegible] claim 1 of the purported translation is faci[illegible] different from claim 1 of the published international application. Should the present application be treated as the U.S. national phase of PCT/FR02/01823 on petition, a new translation and processing fee under 37 CFR 1.492(i) will be required.

In response, counsel states that

The English translation was designated "for U.S. filing" only, incorporating all previous amendments to the international application. As such, the set of eleven (11) claims corresponds to the currently pending set of claims from the most current annex to the International Preliminary Examination Report.

Counsel's attention is respectfully drawn to 35 U.S.C. 371(c)(5), which specifically requires the submission of translations of any annexes to the International Preliminary Examination Report (IPER) made in another language. This requirement is separate and distinct from the English translation requirement of 35 U.S.C. 371(c)(2). Thus, applicants are required to both submit a translation of the international application per 35 U.S.C. 371(c)(2) and, separately, submit a translation of any annexes to the IPER per 35 U.S.C. 371(c)(5). Submission of a translation of the international application which incorporates the annexes does not satisfy the translation requirement of 35 U.S.C. 371(c)(2) because such a submission does not provide the full translation required by 35 U.S.C. 371(c)(2).

In view of the timely payment of the basic national fee on 08 December 2003, this international application is not deemed abandoned with respect to the national stage in the United States.

DECISION

The petition is **GRANTED**, as discussed above.

This application is being forwarded to the National Stage Processing Branch for further processing as the U.S. national stage of international application PCT/FR02/01823, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an executed oath or declaration of the inventors, an English translation of the international application, a surcharge under 37 CFR 1.492(h) and a processing fee under 37 CFR 1.492(i).

Richard Cole
PCT Legal Examiner
PCT Legal Office

George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

May 29, 2007

Tod A Myrum
LEFFERT JAY & POLGLAZE
P. O. Box 581009
Minneapolis, MN 55458-1009

Patent No.: 7160458 B2
Application No.: 10/480032
Inventor(s): **Valentino Pezzetta, et al.**
Issued: **January 9, 2007**
Title: **METHOD FOR PURIFICATION OF PROCESS WATER FROM A KEROSENE DESULFURIZATION PLANT**

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.

Virginia Tolbert
For Cecelia Newman
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEFFERT JAY & POLGLAZE, P.A.
P.O. BOX 581009
MINNEAPOLIS MN 55458-1009

COPY MAILED

DEC 0 7 2007

OFFICE OF PETITIONS

In re Patent No. 7,160,458	:	
Application No. 10/480,032	:	
Filed: June 7, 2004	:	ON PETITION
Issued: January 9, 2007	:	
Attorney Docket No. 118.016US01	:	

This is a decision on the petition filed October 9, 2007, 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.

DATE 12/6/07 APPLICATION NUMBER 10480032

DOC CODE WFEE DOC DATE 10/9/07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

First Named Inventor	Valentino Pezzetta	REQUEST UNDER 37 CFR 3.81(b)
Patent No.	7,160,458	
Issue Date	January 9, 2007	
Examiner Name	Chester T. Barry	
Attorney Docket No.	118.016US01	

Title: PLANT AND METHOD FOR PURIFICATION OF WATER COMING FROM A DESULPHURATION KEROSENE PLANT

FAX RECEIVED

OCT 0 9 2007

OFFICE OF PETITIONS

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby requests issuance of a Certificate of Correction in U.S. Letters Patent No. 7,160,458 as specified on the attached Certificate (Form PTO/SB/44).

We inadvertently failed to include an assignee name on the PTOL-85B form at the time the issue fee was paid. Enclosed is a copy of the Notice of Recordation of Assignment Document, which shows that both Idratech S.r.l. and Raffineria di Roma are listed as an assignee. Applicant believes these corrections are necessary due to errors of a clerical nature. Please note that we have previously submitted a check in the amount of $100.00 to cover the cost of filing a Certificate of Correction in this application and we believe no further fees are due. However, if deemed necessary, the U.S. Patent Office is authorized to charge any additional fees found due to our Deposit Account No. 501373.

Applicant respectfully requests that the file be forwarded to Certificates of Correction Branch for issuance of a Certificate of Correction. Please contact the undersigned attorney if you have any questions.

12/07/2007 CKHLOK 00000016 501373 7160458
01 FC:1808 130.00 DA

Respectfully submitted,

Date: 10-08-07

Tod A. Myrum
Reg. No. 42,922

Attorneys for Applicant
Leffert Jay & Polglaze
P.O. Box 581009
Minneapolis, MN 55458-1009
T 612 312-2200
F 612 312-2250

28 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Kirk D. Houser
Eckert Seamans Cherin & Mellott LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219

In re Application of MURRAY, Martin Anthony et al. Application No.: 10/480,090 PCT No.: PCT/GB02/02643 Int. Filing Date: 07 June 2002 Priority Date: 08 June 2001 Attorney Docket No.: 050348-01511 For: MEASURING DEVICES	DECISION ON PETITION UNDER 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 23 July 2004.

BACKGROUND

On 07 June 2002, applicants filed international application PCT/GB02/02643, claiming a priority date of 08 June 2001. The deadline for paying the basic national fee in the United States expired at midnight on 08 December 2003.

On 08 December 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 21 May 2004, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the oath or declaration were required.

On 23 July 2004, applicants submitted the instant petition, accompanied by a certificate of first class mailing indicating it was deposited on 21 July 2004.

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) and (3) have been satisfied. The fee under 37 CFR 1.17(h) has been paid. Applicants state that the last known address of inventor Brian Reeder as 5666 E. Oak Blvd.; Austin, TX 78735.

Item (2) has not been satisfied. Applicants do not indicate that the letters sent to applicant were returned as undeliverable, so it is unclear that the nonsigning inventor could not be reached. Copies of the letters and their attachments along with documentary evidence of the internet searches should be included. MPEP 409.03(d).

As to (4), the declaration is defective. The declarations do not list all of the inventors and their citizenships, as required by 37 CFR 1.497(a). An oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) is required.

CONCLUSION

For the above reasons, applicants' 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. 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(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Boris Milef
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

22 MAR 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Kirk D. Houser
Eckert Seamans Cherin & Mellott LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219

In re Application of	:	
MURRAY, Martin Anthony et al.	:	
Application No.: 10/480,090	:	DECISION ON
PCT No.: PCT/GB02/02643	:	
Int. Filing Date: 07 June 2002	:	PETITION UNDER
Priority Date: 08 June 2001	:	
Attorney Docket No.: 050348-01511	:	37 CFR 1.47(a)
For: MEASURING DEVICES	:	

This is in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed in the United States Patent and Trademark Office (USPTO) on 31 January 2005.

BACKGROUND

On 07 June 2002, applicants filed international application PCT/GB02/02643, claiming a priority date of 08 June 2001. The deadline for paying the basic national fee in the United States expired at midnight on 08 December 2003.

On 08 December 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 21 May 2004, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the oath or declaration were required.

On 23 July 2004, applicants submitted a petition under 37 CFR 1.47, accompanied by a certificate of first class mailing indicating it was deposited on 21 July 2004.

On 28 September 2004, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 31 January 2005, applicants submitted the instant petition accompanied by the fee for a two month extension of time. The submission indicated that it was deposited with first class mail on 28 January 2005.

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) and (3) were previously satisfied.

Items (2) and (4) have been satisfied. Applicants have stated and supplied evidence that the declarations sent to Dr. Reeder's last known address were returned. Additionally applicants have furnished internet searches demonstrating an effort to locate a current address for Dr. Reeder. The declaration now complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.47.

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 **31 January 2005**.

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

22 MAR 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Brian Reeder
5666 E. Oak Blvd.
Austin, TX 78735

In re Application of
MURRAY, Martin Anthony et al.
Application No.: 10/480,090
PCT No.: PCT/GB02/02643
Int. Filing Date: 07 June 2002
Priority Date: 08 June 2001
Attorney Docket No.: 050348-01511
For: MEASURING DEVICES

Dear Mr. Reeder:

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.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

Kirk D. Houser
Eckert Seamans Cherin & Mellott LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCHIUMBERGER INFORMATION SOLUTIONS
5599 SAN FELIPE
SUITE 1700
HOUSTON TX 77056-2722

COPY MAILED

AUG 13 2007

OFFICE OF PETITIONS

In re Application of
Apostol Todorov Vassilev
Application No. 10/480,099
Filed: December 5, 2003
Attorney Docket No. 59.0045US

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 6, 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, August 2, 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 November 3, 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 $1500; and (3) a proper statement of unintentional delay.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to undersigned (571) 272-1642.

This application is being referred to Technology Center AU 2123 for appropriate action by the Examiner in the normal course of business on the reply received March 6, 2007.

April M. Wise
Petitions Examiner
Office of Petitions

cc: DANITA J. MASELES
SCHLUMBERGER INFORMATION SOLUTIONS
5599 SAN FELIPE
SUITE 1208
HOUSTON, TX 77056

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
10/480,099	12/05/2003	Apostol Todorov Vassilev	59.0045US

CONFIRMATION NO. 7714

SCHIUMBERGER INFORMATION SOLUTIONS
5599 SAN FELIPE. SUITE 1700
HOUSTON, TX 77056-2722

OC000000025127642

Date Mailed: 08/01/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/06/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. 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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

JOHN W. GOLDSCHMIDT JR. ESQUIRE
DILWORTH PAXON
3200 MELLON BANK CENTER
1735 MARKET STREET
PHILADELPHIA, PA 19103

COPY MAILED

DEC 30 2005

OFFICE OF PETITIONS

In re Application of	:	
Daniel Langleben	:	
Application No. 10/480,100	:	DECISION ON PETITION
Filed: December 5, 2003	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 22253-75538	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(iii), filed November 23, 2005, to make the above-identified application special based on the invention materially contributing to countering terrorism as set forth in M.P.E.P. § 708.02, Section XI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(iii) and MPEP § 708.02, Section XI: Inventions for Countering Terrorism, should state that special status is sought because the invention materially contributes to countering terrorism. International terrorism as defined in 18 U.S.C. 2331 includes:

> activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping...

If the disclosure it not clear on its face that the clamed invention is materially directed to countering terrorism, the petition must be accompanied by a statement by the applicant, assignee or a registered attorney/agent explaining how the materiality standard is met. The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems. No fee is required.

The instant petition fails to meet the criteria set out with respect to countering terrorism in MPEP § 708.02 (XI). The specification and claims as originally filed provide no indication of an intention to counter terrorism by providing a brain imaging system. Further steps would be required to actually offset or nullify terrorism, yet no suggestion of "countering terrorism" is found in the disclosure. as a result, no advancement in the technology of countering terrorism has been persuasively shown.

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

By FAX: (571) 273-8300

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.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3737 action in its regular turn.

Amelia Au
Petitions Examiner
Office of Petitions

cc: DRINKER BIDDLE & REATH
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19102

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN W. GOLDSCHMIDT, JR. ESQUIRE
DILWORTH PAXON LLP
3200 MELLON BANK CENTER
1735 MARKET STREET
PHILADELPHIA PA 19103

COPY MAILED
FEB 01 2006
OFFICE OF PETITIONS

In re Application of
DANIEL LANGLEBEN
Application No. 10/480,100
Filed: December 5, 2003
Attorney Docket No. 22253-75538

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(2)

This is a decision on the **renewed** petition under 37 CFR 1.102(c)(2)(iii), filed January 9, 2005, to make the above-identified application special based on the invention materially contributing to countering terrorism as set forth in M.P.E.P. § 708.02, Section XI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(iii) and MPEP § 708.02, Section XI: Inventions for Countering Terrorism, should state that special status is sought because the invention materially contributes to countering terrorism. International terrorism as defined in 18 U.S.C. 2331 includes:

> activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping...

If the disclosure it not clear on its face that the claimed invention is materially directed to countering terrorism, the petition must be accompanied by a statement by the applicant, assignee or a registered attorney/agent explaining how the materiality standard is met. The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems. No fee is required.

The USPTO's final rule amending 37 CFR 1.102(c)(2) states:

> The materially standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could counter terrorism. Nor does such standard permit an applicant to enjoy the benefit of advance examination merely because some minor aspect of the claimed invention may be directed to countering terrorism...[Response to Comment 65] applicants should not expect to have their petitions granted without a clear demonstration that the claimed invention is materially related to countering terrorism. 69 Fed. Reg. 56511 (Sept. 21, 2004)

This renewed petition does not include sufficient evidence of a "material" nature. In order for the invention to be granted special status under countering terrorism, Petitioner must state how the materiality standard is met.

While petitioner presents as evidence statements by the attorney explaining how the invention contributes to countering terrorism along with articles from two publications describing the instant invention, these items are not a "material" showing. The statement by the attorney and the articles only speculate as to how a hypothetical end-user might specially apply the invention in a manner relating to (but not countering) terrorism.

The invention describes the use of a MRI device to image brain activity and to detect falsehoods or deception of an individual using statistical analysis to detect falsehoods or deception of an individual. The specification describes a limited experimental environment in which an individual is questioned. In these controlled studies, the individual's brain images differed when providing a truthful or deceptive response. From that the petitioner concludes that the invention counters terrorism by providing "the ability to determine if a suspected terrorist is attempting to use intentional deception to hinder the gathering of information regarding the activities of terrorist organizations" (From attorney's statement, Exhibit C). Given that no information or data pertaining to terrorism (or the suspected terrorist being questioned) was part of the statistical analysis or research on a proven scale, one must speculate as to how a hypothetical end user might specially apply the invention in a manner that could counter terrorism. Therefore the materiality standard has not been met.

Even assuming that the invention may detect deceptive responses from a suspected terrorist, the "detection" of falsehoods or deception as described in the specification while beneficial to all environments including law enforcement, commerce, civil law, and psychotherapy (page 13 of the specification) does not equate to "countering" terrorism. Further steps are needed to actually "offset" or "nullify" terrorism after the "detection" of a deceptive response. It is noted that Petitioner added new dependent claims 21, 28, and 37 to recite language for countering terrorist activities. While the new dependent claims may state that the intended use of the invention is to counter terrorism, there is insufficient support in the disclosure and petitions of the actual steps or method of actually "countering" or nullifying the terrorism.

Until petitioner can provide a clear demonstration that the claimed invention "materially" counters terrorism as provided for in the MPEP §708.02, section XI and the Federal Register (69 Fed. Reg. 56511, Sept. 21, 2004), this application will not be granted special status.

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Amelia Au at 571-272-7414.

(Second notification) The address given on this petition differs from the address of record, and the file record does not indicate a change of address has been submitted. 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.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3737 for action in its regular turn.

Amelia Au
Petitions Examiner
Office of Petitions

Cc: EVELYN H. McCONATHY
Drinker Biddle & Reath LLP
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19102

03 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of KONRAD RIEGEL (Deceased) Application No.: 10/480,103 PCT No.: PCT/DE03/01160 Int. Filing Date: 08 April 2003 Priority Date: 09 April 2002 Attorney Docket no.: 1454.1515 For: METHODS, CONFIGURATION AND COMPUTER PROGRAM CODE MEANS AND COMPUTER PROGRAM PRODUCT FOR DETERMINING A POSITION OF A MOBILE..	DECISION ON REQUEST UNDER 37 CFR 1.42

This is a decision on applicant's Response to Notification of Defective Response filed in the United States Patent and Trademark Office (USPTO) on 30 July 2004 and is being treated as a request under 37 CFR 1.42.

BACKGROUND

On 09 December 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 14 April 2004, 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 26 April 2004, applicants filed a Response to the Notification of Missing Requirements, including a declaration which did not comply with 37 CFR 1.497(a) and (b). On 21 May 2004, a Notification of Defective Response was mailed indicating that the first name of the fifth inventor did not match the inventors listed in the published international application. Applicants were requested to submit a corrected declaration or an explanation of the name change.

On 30 July 2004, applicant filed a response to the Notification submitting an explanation that the fifth inventor, Konrad Riegel is deceased and that the declaration was executed by the heirs of Mr. Riegel, Klaus Riegel and Gertraud Riegel, as the legal heirs of deceased inventor.

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).

The declaration identifies Klaus Riegel and Gertraud Riegel as the fifth joint inventors and does not identify deceased inventor Konrad Riegel. Thus, the declaration is defective because it does not identify Konrad Riegel as the fifth inventor and it does not state the country of citizenship, former residency and mailing address for both the deceased inventor and his legal representatives, as required for compliance with 37 CFR 1.497.

What is required is a new declaration identifying the inventors as listed on the international application. The declaration must state the citizenship, residency and mailing address for the all the inventors, including the deceased inventor Konrad Riegel. The declaration must be executed by the legal representatives for deceased inventor Konrad Riegel and must provide the legal representatives/heirs' citizenship, residency and mailing address as well as the citizenship, residency and mailing address of the deceased inventor on the declaration.

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (703) 306-5467

28 FEB 2006

11

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of KONRAD RIEGEL (Deceased) Application No.: 10/480,103 PCT No.: PCT/DE03/01160 Int. Filing Date: 08 April 2003 Priority Date: 09 April 2002 Attorney Docket no.: 1454.1515 For: METHODS, CONFIGURATION AND COMPUTER PROGRAM CODE MEANS AND COMPUTER PROGRAM PRODUCT FOR DETERMINING A POSITION OF A MOBILE..	DECISION ON RENEWED REQUEST UNDER 37 CFR 1.42 and PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on applicant's Response to Decision on Request under 37 CFR 1.42 Renewed Request to Accept Declaration" filed in the United States Patent and Trademark Office (USPTO) on 05 November 2004 and refiled on 06 December 2005.

BACKGROUND

On 09 December 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 14 April 2004, 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 26 April 2004, applicants filed a Response to the Notification of Missing Requirements, including a declaration which did not comply with 37 CFR 1.497(a) and (b). On 21 May 2004, a Notification of Defective Response was mailed indicating that the first name of the fifth inventor did not match the inventors listed in the published international application. Applicants were requested to submit a corrected declaration or an explanation of the name change.

On 30 July 2004, applicant filed a response to the Notification submitting an explanation that the fifth inventor, Konrad Riegel is deceased and that the declaration was executed by the heirs of Mr. Riegel, Klaus Riegel and Gertraud Riegel, as the legal heirs of deceased inventor.

On 03 September 2004, a decision on applicant's response was mailed to applicant indicating that the declaration was unacceptable because it did not identify Konrad Riegel as the fifth inventor and it did not state the country of citizenship, former residency and mailing address for both the deceased inventor and his legal representatives, as required for compliance with 37

CFR 1.497.

On 05 November 2004, applicant submitted a renewed request to accept the declaration along with a newly executed declaration.

On 07 November 2005, the USPTO erroneously issued a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned because applicant has failed to respond to the Notification of Missing Requirements mailed on 03 September 2004 within the time period set therein.

On 06 December 2005, applicants refiled a copy of the 05 November 2005 along with a Petition to Withdraw the Holding of Abandonment.

DISCUSSION

Applicant timely responded to the 03 September 2004 USPTO office action with the submission filed on 05 November 2004. The USPTO erroneously issued the Notification of Abandonment mailed on 07 November 2005. The Notification is hereby **VACATED**.

With his 04 November 2004 submission, applicant provided a new declaration identifying and executed by the inventors as listed on the international application and the legal representatives of the deceased inventor. The declaration states the citizenship, residency and mailing address for the all the inventors, including the deceased inventor Konrad Riegel and for his legal representatives. The declaration is in compliance with 37 CFR 1.497(a) and (b).

Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

The Notification of Abandonment mailed on 07 November 2005 is hereby **VACATED**

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 **04 November 2004.**

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459