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07 AUG 2006

D. Brent Kenady
Wells St. John, P.S.
601 W. 1st, Suite 1300
Spokane, WA 99201

In re Application of	:	
WOODS, et al.	:	
U.S. Application No.: 10/577,577	:	DECISION ON PETITION
PCT No.: PCT/US04/32857	:	
Int. Filing Date: 05 October 2004	:	UNDER 37 CFR 1.137(b)
Priority Date: 06 October 2003	:	
Attorney Docket No.: WO34-001	:	
For: POWER GENERATION SYSTEMS AND METHODS OF GENERATING POWER	:	

The petition to revive under 37 CFR 1.137(b) filed 27 April 2006 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 a compliant, executed oath or declaration of the inventors is required.

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

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KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

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DEC 22 2008

OFFICE OF PETITIONS

In re Application of

WIMBERLY, Randal L.
Application No. 10/577,580
Filed: January 12, 2007
Attorney Docket No. **1064-002**

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 14, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Patrick M. Torre on behalf of all attorneys of record who are associated with customer No. 01009. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Randal L. Wimberly at the address indicated below.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **RANDAL L. WIMBERLY**
905 TYREE ROAD
PADUCAH, KY 42003

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CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

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JAN 11 2010

In re Application of	:	
Carsten Andersen	:	
Application No. 10/577,598	:	DECISION ON PETITION
Filed: December 18, 2006	:	
Attorney Docket No. HBE0008US	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 1, 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 November 2, 2008. A Notice of Abandonment was mailed on April 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 an amendment, (2) the petition fee of $810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1794 for appropriate action by the Examiner in the normal course of business on the reply received October 29, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

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FASSE PATENT ATTORNEYS, P.A.
P.O. BOX 726
HAMPDEN, ME 04444-0726

Mail Date: 04/21/2010

Applicant	: Anja Kliewe	: DECISION ON REQUEST FOR
Patent Number	: 7662484	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/577,634	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **542** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Dale Robertson	: DECISION ON REQUEST FOR
Patent Number	: 7575279	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/577,674	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/21/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **113** 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 JUN 2006

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MILDE & HOFFBERG, LLP
10 BANK STREET
SUITE 460
WHITE PLAINS NY 10606

In re Application of FRANZ KRAMPE Serial No.: 10/577,713 PCT App. No.: PCT/FR04/10718 Int'l Filing Date: 24 September 2004 Priority Date: 09 October 2003 Attorney Docket No.: HH 310 For: AUTOMATIC WIRE STRIPPER	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 02 May 2006 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 requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $150 has been provided. The required petition fee of $750 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(a) and (b), an English translation of the international application and the $130 surcharge for filing the oath or declaration and $130 processing fee for filing the English translation, after the thirty month period are required.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

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

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OGILVY RENAUTL LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QC H3A2Y3
CANADA

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OFFICE OF PETITIONS

In re Application of :
Steven B. Wolff et al. :
Application No. 10/577,718 : DECISION ON PETITION
Filed: May 2, 2006 : TO WITHDRAW
Attorney Docket No. : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 8, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 20988 has been revoked by the Assignee of the patent application on March 10, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: GOWLING, LAFLEUR & HENDERSON LLP
160 ELGIN STREET
SUITE 2600
OTTAWA ON K1P 1C3 CA CANADA

29 JAN 2008

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET N.W.
WASHINGTON, DC 20005-3096

In re Application of	:	
Ralf HIMMELREICH et al	:	DECISION ON
Application No.: 10/577,721	:	
PCT No.: PCT/EP04/11851	:	
Int. Filing Date: 20 October 2004	:	PETITION UNDER
Priority Date: 04 November 2003	:	
Attorney Docket No.: 075422-0015	:	
For: A RAPID AND LOW COST METHOD FOR ISOLATING NUCLEIC ACID	:	37 CFR 1.181

This decision is in response to the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT," filed on 14 December 2007 which is being treated as a petition under 37 CFR 1.181. Applicants have submitted, inter alia, a copy of the 01 March 2007 PTO stamped itemized postcard receipt: The itemized postcard lists, inter alia, the following item: Declaration and Power of Attorney.

BACKGROUND

On 02 May 2006, 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). Applicants, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because no executed Declaration or Oath was provided with the transmittal letter at such time.

On 03 January 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by the International application number and international filing date. The notice indicated that the items above must be submitted within two (2) months from the 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 30 November 2007, the DO/EO/US mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909) which indicated that the application is abandoned because applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 01/03/2007 within the time period set therein.

In response to the "NOTIFICATION OF ABANDONMENT" mailed on 30 November 2007, applicants submitted on 14 December 2007 the instant petition requesting withdrawal of the Notice of Abandonment. In support of the request, applicants have provided a copy of the returned/stamped receipt card acknowledging a receipt date of 01 March 2007, within the time period of response.

DISCUSSION

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

(1) Response to Notice to File Missing Parts of Application
(2) Declaration, Petition & Power of Attorney
(3) Late Filing Fee Surcharge of $130.00

The postcard lists the above items and bears a USPTO date of stamp as March 01, 2007.

MPEP 503 provides:

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

Applicant's postcard is accepted as *prima facie* that a Declaration was deposited with the U.S. Patent and Trademark Office on 01 March 2007.

Accordingly, the date of receipt for the Declaration is 01 March 2007, which is considered timely. Accordingly, the instant application has been improperly abandoned.

DECISION

The petition under 37 CFR 1.181 is **GRANTED**. The Notification of Abandonment (PCT/DO/EO/909) mailed 30 November 2007 was in error and is hereby **VACATED**.

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 is **01 March 2007**.

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

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

In Re application of
Hiromitsu Ichikawa et al.
Application No. 10/577,730
Filed: May 2, 2006
Attorney Docket No. Q94307

ON PETITION

This is a decision on the petition under 37 CFR 1.59(b), filed September 30, 2009 to expunge information from the above identified application.

The petition is **granted**.

Petitioner requests that documents titled Supplemental Amendment Under 37 CFR 1.111, Replacement Drawings and Excess Claim Fee Payment Letter, filed September 14, 2009 be expunged from the record. Petitioner states that the information submitted was intended for another application and was erroneously filed in the instant application. The petition fee set forth in 37 CFR 1.17(g) has been charged to petitioner's deposit account.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed in an unrelated application.

The expunged material has been removed from the official file.

The application is being returned to Technology Center Art Unit 2612.

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

/David Bucci/
Petitions Examiner
Office of Petitions

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10 AUG 2006

LITMAN LAW OFFICES, LTD
PO BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215

In re Application of	:	
SADAT et al.	:	
Application No.: 10/577,739	:	DECISION ON
PCT No.: PCT/US03/31078	:	
Int. Filing Date: 02 October 2003	:	PETITION UNDER
Priority Date: None	:	
Attorney Docket No.: 2182301	:	37 CFR 1.137(b)
For: PEPTIDE FOR PROMOTING HEALING OF FRACTURES	:	

This decision is in response to applicant's submission filed 02 May 2006.

BACKGROUND

On 02 October 2003, applicant filed international application PCT/US03/31078 which designated the U.S. but did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 12 May 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 03 April 2006 (02 April 2006 being a Sunday).

On 02 May 2006, 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, a declaration of the inventors, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, and a petition under 37 CFR 1.137(b) to revive the application.

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 02 May 2006.

As to item (2), applicant submitted the petition fee on 02 May 2006.

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.

The declaration of the inventors filed 02 May 2006 is in compliance with 37 CFR 1.497(a)-(b).

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.

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

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30 MAY 2006

BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510

In re Application of:
WARRIER, Sunil, G., et al
U.S. Application No.: 10/577,754
PCT No.: PCT/US2004/032038
International Filing Date: 29 September 2004
Priority Date: 29 September 2003
Atty Docket No.: 04-458
For: COMPLIANT STACK FOR A PLANAR SOLID OXIDE FUEL CELL

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 27 April 2006 in the above-captioned application is hereby **GRANTED** as follows:

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

Applicants have 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 petition was accompanied by an executed declaration in compliance with 37 CFR 1.497. Deposit Account No. 02-0184 will be charged the $130 surcharge for filing the declaration later than thirty months after the priority date.

This application is being referred 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 27 April 2006.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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OFFICE OF PETITIONS

Martin P. Hoffman
Hoffman Wasson & Gitler
2461 South Clark Street
Suite 522
Arlington, VA 22202

In re Application of :
James Walter Lucas et al. :
Application No. 10/577,768 : DECISION ON PETITION
Filed: November 9, 2006 :
Attorney Docket No. A-10044 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 20, 2009, to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

A review of the record shows that the reply in the form of a Amendment along with a three month extension of time filed on June 15, 2009, was filed within the maximum extendable time period of the Office action mailed on December 17, 2008. Since this application is not considered abandoned, the petition is unnecessary.

It should be noted that the petition fee of $810 will be refunded by treasury check.

This application is being referred to Technology Center 3635 for further processing of the reply received on June 15, 2009.

Telephone inquiries concerning this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/20/2010

Applicant	: Kazuo Kuroda	: DECISION ON REQUEST FOR
Patent Number	: 7577065	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/577,773	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **600** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/23/2010

Applicant	: Kunihiko Horikawa	: DECISION ON REQUEST FOR
Patent Number	: 7609595	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/577,774	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/28/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **415** 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 FEB 2007

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

In re Application of HALBERT et al	:	
U.S. Application No.: 10/577,778	:	
PCT Application No.: PCT/GB2004/004560	:	DECISION
Int. Filing Date: 28 October 2004	:	
Priority Date Claimed: 28 October 2003	:	
Attorney Docket No.: 031749/311275	:	
For: IMPROVEMENTS IN CELL GROWTH	:	

This is in response to applicant's "Amendment, Petition, and Fee to Add to Originally Named Inventor (37 C.F.R. § 1.48(a) and/or (c))" filed 08 January 2007, which is being treated under 37 CFR 1.497(d).

BACKGROUND

On 28 October 2004, applicant filed international application PCT/GB2004/004560, which claimed priority of an earlier United Kingdom application filed 28 October 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 26 May 2005. The thirty-month period for paying the basic national fee in the United States expired on 28 April 2006.

On 28 April 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 15 December 2006, 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 08 January 2007, applicant filed an executed declaration along with the present petition under 37 CFR 1.497(d).

DISCUSSION

37 CFR 1.497(d) (effective 07 November 2000) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see §3.73(b) of this chapter).

A review of the declaration reveals that it lists the same inventive entity as that shown in the international application publication WO 2005/047490 A3 (copy attached).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 28 October 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 January 2007.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau

(43) International Publication Date
26 May 2005 (26.05.2005)

PCT

(10) International Publication Number
WO 2005/047490 A3

(51) International Patent Classification[7]: C12N 5/00, 5/06, C12Q 1/04

(21) International Application Number: PCT/GB2004/004560

(22) International Filing Date: 28 October 2004 (28.10.2004)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:
0325085.9 28 October 2003 (28.10.2003) GB

(71) Applicant *(for all designated States except US)*: **UNIVERSITY OF STRATHCLYDE** [GB/GB]; McCance Building, 16 Richmond Street, Glasgow G1 1XQ (GB).

(72) Inventors; and

(75) Inventors/Applicants *(for US only)*: **HALBERT, Gavin, William** [GB/GB]; 88 Munro Road, Jordanhill, Glasgow G12 1SG (GB). **HAYAVI, Sima** [GB/GB]; 40 Murano Street, Glasgow G20 7RT (GB).

(74) Agents: **SZCZUKA, Jan, Tymoteusz** et al.; Marks & Clerk, 19 Royal Exchange Square, Glasgow G1 3AE (GB).

(81) Designated States *(unless otherwise indicated, for every kind of national protection available)*: AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

(84) Designated States *(unless otherwise indicated, for every kind of regional protection available)*: ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:
— *with international search report*

(88) Date of publication of the international search report:
2 February 2006

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: IMPROVEMENTS IN CELL GROWTH

(57) Abstract: The present invention relates to use of peptide containing and peptide free synthetic low density lipoprotein (sLDL) particles as cell growth supplements for the growth of eukaryotic cells, especially mammalian.

WO 2005/047490 A3

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SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

Mail Date: 04/21/2010

Applicant	: Hideo Nagai	: DECISION ON REQUEST FOR
Patent Number	: 7622743	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/577,780	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **699** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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NEW YORK, NY 10008-0770

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MAR 17 2008

In re Application of :
LAULICHT, et al. :
Application No. 10/577,785 : DECISION ON PETITION
Filed: July 5, 2007 : TO WITHDRAW
Attorney Docket No. **20022/1200150-US1** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed 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 Flynn Barrison on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Bryan E. Laulicht at the address indicated below.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **BRYAN E. LAULICHT**
36 ARBOR LANE
ROSLYN HEIGHTS, NY 11577

26 SEP 2007

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

In re Application of NICHOLL et al	:	
U.S. Application No.: 10/577,788	:	
PCT Application No.: PCT/GB2004/004555	:	
Int. Filing Date: 28 October 2004	:	DECISION
Priority Date Claimed: 31 October 2003	:	
Attorney Docket No.: 014574-000020	:	
For: IMPROVEMENTS IN AND RELATING TO PRINTING PLATE COVERS	:	

This is in response to applicant's "Petition for Patent Application (On Behalf of Inventor Who Refuses to Sign" filed 11 May 2007, which is being treated under 37 CFR 1.47(a).

BACKGROUND

On 28 October 2004, applicant filed international application PCT/GB2004/004555, which claimed priority of an earlier United Kingdom application filed 31 October 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 09 June 2005. The thirty-month period for paying the basic national fee in the United States expired on 30 April 2006.

On 28 April 2006, 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 12 February 2007, 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 11 May 2007, 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 the requisite declaration.

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 John Cruse refuses to sign the application papers. However, the petition does not adequately demonstrate that a bona fide attempt was made to present a copy of the application papers to Cruse for signature. In particular, although the declaration of Jennifer Skord states that the application papers were mailed to Cruse on 21 March 2007 (see paragraph 9), a copy of such letter has not been provided. Additionally, evidence that the letter was actually received by Cruse has not been presented. Furthermore, although Cruse purportedly made an express oral refusal to sign (see paragraph 6), an affidavit from the person to whom the refusal was made has not been furnished. Thus, it would not be reasonable to conclude at the present time that Cruse refuses to join in the application.

With regard to item (3) above, the requisite $200.00 petition fee will be charged to Deposit Account No. 13-4365

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 DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely file a proper response will result in abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". 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 Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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30 AUG 2007

Ostrolenk, Faber, Gerb & Soffen, LLP
1180 Avenue of the Americas
New York, New York 10036

In re Application of :
CARLISLE, Geoffrey :
Application No.: 10/577,802 : DECISION ON REQUEST
PCT No.: PCT/AU04/01502 :
Int. Filing Date: 29 October 2004 :
Priority Date: 30 October 2003 :
Attorney Docket No.: P/4954-9 :
For: BUILDING FORMWORK MODULE FOR USE IN A MODULAR CONCRETE FORMWORK SYSTEM

This decision is issued in response to the "Petition to Correct Inventorship under 37 CFR 1.497(d)" filed 30 April 2007. The $130 petition fee has been submitted.

BACKGROUND

On 29 October 2004, applicant filed international application PCT/AU04/01502 which claimed a priority date of 30 October 2003. The published international application identified two applicant/inventors for the United States: Geoffrey Carlisle and Bruce Howard Goldby. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 April 2006.

On 28 April 2006, 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; a copy of the international application; and a preliminary amendment.

On 08 November 2006, 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 30 April 2007, applicant filed the present request under 37 CFR 1.497(d) to remove inventor Bruce Howard Goldby as an inventor.

DISCUSSION

The present submission seeks to correct the inventorship so as to remove inventor Bruce Howard Goldby from the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) 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 § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

With respect to the removal of Bruce Howard Goldby from the application, applicant's 30 April 2007 submission satisfies requirements (1), (2), and (4).

Item (3) has not been satisfied. Applicant has not provided the assignee's consent to the removal of Bruce Howard Goldby as an inventor herein. Applicant must provide such consent before item (3) can be considered satisfied. Such consent must be accompanied by a statement under 37 CFR 3.73(b) which includes either a copy of the assignment documents or a specific reference to the assignment's recorded location in the USPTO (i.e., reel and frame number) (see 37 CFR 3.73(b)).

Because applicant has not satisfied all the requirements of 37 CFR 1.497(d), inventor Bruce Howard Goldby cannot be removed from the application on the present record.

CONCLUSION

Applicant's request to remove inventor Bruce Howard Goldby under 37 CFR 1.497(d) is **DISMISSED** without prejudice. The inventors of record remain the inventors named on the international application.

Applicant must file a proper response to this decision within **TWO (2) MONTHS** from the mail date indicated above. A proper response must include a written consent of assignee in compliance with 37 CFR 3.73(b). Failure to file a timely and proper response will result in abandonment of 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 Assistant Commissioner for Patents, Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
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Ostrolenk, Faber, Gerb & Soffen, LLP
1180 Avenue of the Americas
New York, New York 10036

In re Application of :
CARLISLE, Geoffrey :
Application No.: 10/577,802 : DECISION ON REQUEST
PCT No.: PCT/AU04/01502 :
Int. Filing Date: 29 October 2004 :
Priority Date: 30 October 2003 :
Attorney Docket No.: P382155 :
For: BUILDING FORMWORK MODULE FOR USE IN A MODULAR CONCRETE FORMWORK SYSTEM

This decision is issued in response to the "Supplemental Petition to Correct Inventorship under 37 CFR 1.497(d)" filed 01 November 2007, treated herein as a Renewed Petition under 37 CFR 1.497(d). The $130 petition fee has been submitted.

BACKGROUND

On 29 October 2004, applicant filed international application PCT/AU04/01502 which claimed a priority date of 30 October 2003. The published international application identified two applicant/inventors for the United States: Geoffrey Carlisle and Bruce Howard Goldby. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 April 2006.

On 28 April 2006, 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; a copy of the international application; and a preliminary amendment.

On 08 November 2006, 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 30 April 2007, applicant filed a request under 37 CFR 1.497(d) to remove inventor Bruce Howard Goldby as an inventor. In a decision dated 30 August 2007, applicant's petition under 37 CFR 1.497(d) was dismissed without prejudice.

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On 01 November 2007, applicant submitted the present renewed request under 37 CFR 1.497(d).

DISCUSSION

The present submission seeks to correct the inventorship so as to remove inventor Bruce Howard Goldby from the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicant must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) 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 § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

With respect to item (1), applicant has submitted a statement from the inventor being deleted, Bruce Howard Goldby, in which the inventor states that the earlier error in inventorship did not result from deceptive intent on his part. Item (1) is therefore satisfied.

With respect to item (2), applicant has submitted the required $130 processing fee. Item (2) is therefore satisfied.

With respect to item (3), applicant has submitted a statement of consent to the change of inventorship executed on behalf of the assignee, GreenGate Homes Ltd. This consent is accompanied by a Statement under 37 CFR 3.73(b). Item (3) is therefore satisfied.

Item (4) does not apply to the present application.

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Accordingly, applicant has satisfied all the requirements for correction of inventorship under 37 CFR 1.497(d).

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
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Copied from 11577802 on 05/06/2008

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24 MAY 2006

Clifford Browning
Krieg DeVault LLP
One Indiana Square
Indianapolis, IN 46204

In re Application of
DOMAZAKIS, Emmanouil
Application No.: 10/577,812
PCT No.: PCT/GB04/00050
Int. Filing Date: 18 October 2004
Priority Date: 17 October 2003
Attorney Docket No.: CFAV5
For: METHOD FOR THE PREPARATION OF PREPARATION OF PREPARATION OF FERMENTED DRY OR SEMI-DRIED MEAT PRODUCTS, WITH PARTIAL SUBSTITUTION OF THE ANIMAL FAT AND DIRECT INCORPORATION OF OLIVE OIL

DECISION ON PETITION

The petition to revive under 37 CFR 1.137(b) filed 28 April 2006 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.

It is noted that the declaration submitted on 28 April 2006 is not in compliance with 37 CFR 1.497(a)(3) which requires that the oath or declaration identify the inventor and country of citizenship of the inventor. In this case, the sole inventor has listed his country of citizenship as "Hellenic" which is not recognized by the United States Designated/Elected Office. 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).

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 surcharge for filing the oath or declaration after the thirty-month period is required.

Anthony Smith
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Facsimile: (571) 273-0459

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04 DEC 2006

Clifford Browning
Krieg DeVault LLP
One Indiana Square
Indianapolis, IN 46204

In re Application of
DOMAZAKIS, Emmanouil
Application No.: 10/577,812
PCT No.: PCT/GB04/00050
Int. Filing Date: 18 October 2004
Priority Date: 17 October 2003
Attorney Docket No.: CFAV5
For: METHOD FOR THE PREPARATION OF PREPARATION OF PREPARATION OF FERMENTED DRY OR SEMI-DRIED MEAT PRODUCTS, WITH PARTIAL SUBSTITUTION OF THE ANIMAL FAT AND DIRECT INCORPORATION OF OLIVE OIL

DECISION ON PETITION
&
NOTIFICATION OF
ABANDONMENT

This **amended**[1] decision is issued in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably under 37 CFR 1.137(a)" filed 28 April 2006.

BACKGROUND

On 18 October 2004, applicant filed international application PCT/GB04/00050 which claimed a priority date of 17 October 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 April 2005. Pursuant to 37 CFR 1.495, the thirty-month time period for submitting the requisite basic national fee in the United States of America was to expire 30 months from the priority date, 17 April 2006.

On 28 April 2006, applicant filed a transmittal letter requesting entry into the national stage in the United States, which was accompanied, inter alia: by a copy of the international application; an executed declaration; a preliminary amendment; and a petition under 37 CFR 1.137(a) accompanied by the requisite $250 petition fee.

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[1]The Decision on Petition dated 24 May 2006 improperly treated the "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably under 37 CFR 1.137(a)" filed 28 April 2006 under 37 CFR 1.137(b), not 37 CFR 1.137(a). Therefore, the "Decision on Petition" dated 24 May 2006 is hereby **VACATED**.

On 24 May 2006, the Office of PCT Legal Administration mailed a "Decision on Petition" indicating that the petition under 37 CFR 1.137(b) was granted.

DISCUSSION

A. Petition under 37 CFR 1.137(a)

The above-identified application was abandoned on 18 April 2006 for failure to pay the basic national fee 30 months from the priority date for international application no. PCT/GB04/00050.

Applicant states that the delay in payment of the basic national fee was unavoidable. A grantable petition pursuant to 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the requisite petition fee; (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 1.20(d)) required pursuant to 37 CFR 1.137(c). Applicant has satisfied Item (1), (2) and (4).

Pursuant to 37 CFR 1.137(a), an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887). However, the showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Here, counsel's statement fails to provide sufficient evidence to show that all action necessary were taken to pay the basic national fee by 17 April 2006. Applicants states that a violent storm resulted in counsel missing the April 17, 2006 deadline, but counsel fails to provide sufficient evidence to establish that the basic national could not have been paid within the two week period following the storm and prior to the date the fee was due (i.e. 17 April 2006). It appears, for example, that counsel could have contacted applicants and/or the previous law firm to identify existing patent application for which responses were due and to advise applicants that the firm was not able to keep tract of impending due dates and that the applicant should take action accordingly. Further, counsel indicates that the abandonment resulted from the failure to docket the national stage deadline date. But counsel has not adequately explained why docketing of the 30 month date did not occur prior to two weeks before this deadline. The 30 month deadline is known, or should have been known by applicant and counsel, at the time of filing the international application. Docketing this deadline date in the final two weeks, or apparently contemplated by counsel, does not suggest that this matter was given the degree of care that applicants would give their "most important business." Finally, counsel indicates the "general inaccessibility" to the firm offices but does not indicate that the office was inaccessible for the purpose of acquiring important, time sensitive client information.

In summary, the actions taken in the prosecution of this case do not reflect unavoidable delay. Specifically, unavoidable delay is present only where petitioner and

those acting for petitioner take all actions necessary to continue the prosecution of an application, but through the intervention of unforeseen circumstances, a required action is not timely taken. The actions and circumstances described in this petition do not reflect the "care or diligence that is generally used and observed by prudent and careful men in relation to their most important business." Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

Since applicant has not met the requirements for revival of an application under 37 CFR 1.137(a), revival under this section would not be proper.

B. Declaration of Inventorship

The previous Decision on Petition, dated 28 April 2006, indicated that the "Declaration for Utility or Design Patent Application" (Form PTO/SB/01) submitted on 28 April 2006 was not in compliance with 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1). However, a review of the application reveals that a declaration of inventorship under PCT Rule 4.17(iv) and 51bis.1(a)(iv), filed with the international application, complies with 37 CFR 1.497(a)-(b). Therefore, a newly executed declaration is not required.

CONCLUSION

The petition under 37 CFR 1.137(a) is **DISMISSED** without prejudice and the application is **ABANDONED**.

The "Decision on Petition" dated 28 April 2006 reviving the above-identified application is hereby **VACATED**.

Applicants may wish to consider filing a petition to the Commissioner under 37 CFR 1.137(b) requesting that the application be revived. Any petition filed under 37 CFR 1.137(b) requesting that the application be revived must meet the criteria indicated in 37 CFR 1.137. This recommendation to file a petition under 37 CFR 1.137(b) should not be construed as an indication as to whether or not any such petition(s) will be favorably considered.

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. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

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22 DEC 2006

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Clifford Browning
Krieg DeVault LLP
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Indianapolis, IN 46204

In re Application of
DOMAZAKIS, Emmanouil
Application No.: 10/577,812
PCT No.: PCT/GB04/00050
Int. Filing Date: 18 October 2004
Priority Date: 17 October 2003
Attorney Docket No.: CFAV5
For: METHOD FOR THE PREPARATION OF FERMENTED DRY OR SEMI-DRIED MEAT PRODUCTS, WITH PARTIAL SUBSTITUTION OF THE ANIMAL FAT AND DIRECT INCORPORATION OF OLIVE OIL

DECISION ON PETITION

The petition to revive under 37 CFR 1.137(b) filed 12 December 2006 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 returned to the United States Designated/Elected Office for processing in accordance with this decision.

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17 JUL 2006

KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS IN 46204-2079

In re Application of
EMMANOUIL DOMAZAKIS
Application No.: 10/557,813
PCT No.: PCT/GR04/00034
Int. Filing Date: 18 June 2004
Priority Date: 14 October 2003
Attorney Docket No.: CFAV-6
For: METHOD OF PRODUCTION OF CROISSANT TYPE PASTRY PRODUCTS WITH CHARCUTERIE AND CREME CHEESE.....

: DECISION ON PETITION
:
: UNDER 37 CFR 1.137(a)

This is a decision on applicant's petition under 37 CFR 1.137(a) filed in the United States Patent and Trademark Office (USPTO) on 28 April 2006.

BACKGROUND

On 18 June 2004, applicant filed international application No. PCT/GR04/00034 which claimed a priority date of 14 October 2003, and which designated the United States. The deadline for entry into the national stage in the U.S. expired 30 months from the priority date, 14 April 2006.

On 28 April 2006, 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 for a small entity and a declaration of the sole inventor. Applicant filed the present petition requesting that the application be revived since the abandonment was unavoidable on the grounds that due to "the abrupt closing of undersigned counsel's law firm's office, the filing deadline for entry into the US National Stage of the present application did not get docketed by the undersigned counsel's present law firm until April 27, 2006." A statement of counsel accompanies the petition.

DISCUSSION

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay requires (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable; and (4) a terminal disclaimer pursuant to 37 CFR 1.137(c).

Regarding Item (1), the proper response was payment of the basic national fee. The fee of $150 is sufficient for entry into the national stage. The petition fee of $250 was paid, satisfying Item (2). As for Item (4), the terminal disclaimer is not required in this application since it was filed after 08 June 1995.

Concerning item (3), counsel states that on April 2, 2006, a violent storm severely damaged the office building in which the law firm was recently relocated. The building was

immediately closed to all tenants and the floors on which the law firm are located remain closed at the time of filing this petition. Counsel moved his practice to his present law firm on March 1, 2006. Counsel states:

> the file containing the papers necessary to enter the US National Stage of the present application was not transferred by the undersigned counsel's prior law firm to his present law firm until some time thereafter. That file was being processed by the undersigned counsel's present law firm as of April 2, 2006, when the violent storm hit Indianapolis and closed the law firm's offices, but the US National Stage filing deadline associated with that file had not yet been docketed as of April 2, 2006.

Counsel does not provided sufficient evidence to conclude that the abandonment of the international application was unavoidable. Counsel has not explained why the file had not been docketed as of April 2, 2006 nor does he explain how he was able to obtain the file on April 27, 2006 when the law firm offices were still inaccessible. Furthermore, counsel has not provided any supporting evidence or documentation to support the conclusion that the events described in the petition caused him to miss the filing deadline. The burden of proof to establish that the delay from the due date for the reply until the filing of a grantable petition was unavoidable rests on the applicant. MPEP §711.03(c) II F. Thus, the petition to revive under 37 CFR 1.137(a) for unavoidable delay is dismissed without prejudice.

RECOMMENDATION

As an alternative, applicant may request revival of the application via petition under 37 CFR 1.137(b).

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. Such a petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply; (2) the petition fee required by law, and (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional", and (4) by a terminal disclaimer and fee in all applications filed before 08 June 1995 pursuant to 37 CFR 1.137(c). Currently, the petition fee required by law is $750.00 for a small entity.

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

CONCLUSION

For the reasons above, the petition to revive under 37 CFR 1.137(a) is DISMISSED without prejudice.

The application remains ABANDONED.

Any request for reconsideration of 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(a)." 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.

Cynthia M. Kratz
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08 AUG 2006

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KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS IN 46204-2079

In re Application of	DECISION ON PETITION
EMMANOUIL DOMAZAKIS	
Application No.: 10/557,813	UNDER 37 CFR 1.137(b)
PCT No.: PCT/GR04/00034	
Int. Filing Date: 18 June 2004	
Priority Date: 14 October 2003	
Attorney Docket No.: CFAV-6	
For: METHOD OF PRODUCTION OF CROISSANT TYPE PASTRY PRODUCTS WITH CHARCUTERIE AND CREME CHEESE.....	

The petition to revive under 37 CFR 1.137(b) filed 31 July 2006 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).

A review of the application file reveals that the basic national fee of $150 has been provided. The required petition fee of $750 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 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 31 July 2006.

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11 OCT 2007

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BOSTON MA 02110-2131

In re Application of:
LIEBERMAN, Judy, et al.
U.S. Application No.: 10/577,814
PCT No.: PCT/US2004/036200
International Filing Date: 01 November 2004
Priority Date: 30 October 2003
Attorney's Docket No.: 033393-055222-US
For: METHODS FOR TREATING AND PREVENTING ISCHEMIA-REPERFUSION INJURY USING RNA INTERFERING AGENTS

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Petition And Fee To Correct Inventorship Non-Provisional Application Under 37 CFR 1.48(a)" filed 03 May 2007, treated herein under 37 CFR 1.497(d).[1] Applicants will be charged the required $130 processing fee.

BACKGROUND

On 01 November 2004, applicants filed international application PCT/US2004/036200. The application claimed a priority date of 30 October 2003, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 April 2006. The published international application identified a corporate applicant for all states other than the U.S., and two applicant/inventors for the U.S.: Judy LIEBERMAN and Peter HAMAR.

On 28 April 2006, 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 12 January 2007, applicants filed an executed declaration and the surcharge payment for filing the declaration later than thirty months after the priority date. The declaration included a third inventor who was not identified in the international application, Erwei SONG.

On 06 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497. The Notification indicated that the

[1] 37 CFR 1.48(a) does not apply to national stage applications, such as the present case, which have not yet complied with the requirements of 35 U.S.C. 371(c); the applicable regulation is 37 CFR 1.497(d).

previously filed declaration was not acceptable under 37 CFR 1.497 because it included an inventor who was not listed on the international application.

On 03 May 2007, applicants filed a response to the Notification Of Missing Requirements that included the "Petition And Fee To Correct Inventorship Non-Provisional Application Under 37 CFR 1.48(a)" considered herein as a request under 37 CFR 1.497(d). The submission seeks to add Erwei SONG to the present application as an additional inventor.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) 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; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, applicants have filed a declaration that includes a third inventor who was not identified as an inventor in the international application. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

Applicants here have provided the required statement from the person to be added as an inventor (Erwei SONG) stating that any error in inventorship in the international application occurred without deceptive intention on his part, and applicants have authorized a charge for required fees. Requirements (A) and (B) are therefore satisfied.

With respect to item (C) above, applicants have submitted a statement entitled "Consent Of Assignee Under 37 CFR 1.48(a)" that identifies "The CBR Institute for Biomedical Research" as the assignee of the entire interest in the present application, states that the assignee consents to the addition of Erwei SONG as an inventor, and is executed on behalf of the assignee by Ryan Dietz, identified thereon by the title "Office Of Technology Development." However, pursuant to 37 CFR 1.497(d)(3), the consent of the assignee must be submitted in compliance with 37 CFR 3.73(b) (see MPEP section 201.03(II)(D)). Here, the "Consent Of Assignee Under 37 CFR 1.48(a)" does not satisfy the requirements of 37 CFR 3.73(b)(1) and (2).

With respect to 37 CFR 3.73(b)(1), the assignee here does not expressly state that "the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation" or that "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)." With respect to 37 CFR 3.73(b)(2), the person signing the consent statement does not state that he is authorized to act on behalf of the assignee, nor is he identified with a title that confers him with apparent authority to act on behalf of the assignee (see MPEP section 324(V)). Because the assignee has not properly established ownership pursuant to 37 CFR 3.73(b), the statement of consent submitted here cannot, on the present record, be accepted in satisfaction of this requirement. Item (C) above is therefore not satisfied.

Based on the above, applicants have failed to submit all the requirements of a grantable request to correct the inventive entity pursuant to 37 CFR 1.497(d).

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The inventorship of record herein remains that set forth in the international application, that is, Judy LIEBERMAN and Peter HAMAR. The declaration filed 12 January 2007 (and resubmitted with the present petition), which includes a third inventor, is therefore defective for failure to properly identify the inventors of record herein.

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 Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy item (C) of a grantable request, as discussed above and in the MPEP, that is, the written consent of the assignee to the proposed change in inventorship, in the form required by 37 CFR 3.73(b).

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, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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10/11/2007 SBASHEIR 00000001 500850 10577814
01 FC:1808 130.00 DA
02 FC:2641 50.00 DA
03 FC:2633 100.00 DA

30 MAY 2008

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In re Application of:	
LIEBERMAN, Judy, et al.	DECISION ON REQUEST UNDER
U.S. Application No.: 10/577,814	37 CFR 1.497(d)
PCT No.: PCT/US2004/036200	
International Filing Date: 01 November 2004	
Priority Date: 30 October 2003	
Attorney's Docket No.: 033393-055222-US	
For: METHODS FOR TREATING AND PREVENTING ISCHEMIA-REPERFUSION INJURY USING RNA INTERFERING AGENTS	

This decision is issued in response to the "Renewed Request Under 37 CFR 1.497(d)" filed 11 December 2007. Applicants have previously submitted the required processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed herein on 11 October 2007. That decision dismissed applicants' request to correct inventorship under 37 CFR 1.497(d) for failure to satisfy all the requirements of a grantable request. Specifically, applicants had failed to provide the consent of the assignee in an acceptable form.

On 11 December 2007, applicants filed the "Renewed Request Under 37 CFR 1.497(d)" considered herein.

DISCUSSION

The renewed petition includes a statement entitled "Consent Of Assignee Under 37 CFR 3.73(b)(1) and (2)" which complies with the requirements of 37 CFR 3.73(b) and expressly consents to the addition of Erwei SONG as an additional inventor herein. These materials satisfy the final requirement for a grantable request to correct inventorship under 37 CFR 1.497(d). The requested addition of Erwei SONG as an inventor of record pursuant to 37 CFR 1.497(d) is therefore appropriately granted.

Based on the above correction, the declaration filed 12 January 2007 is now acceptable in compliance with 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to add Erwei SONG as an additional inventor of record herein.

This application is being referred 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 12 January 2007.

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UNITED STATES DEPARTMENT OF COMMERCE
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LERNER GREENBERG STEMER LLP
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HOLLYWOOD, FL 33022-2480

Mail Date: 04/21/2010

Applicant	: Johann Huber	: DECISION ON REQUEST FOR
Patent Number	: 7595466	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/577,825	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **322** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

In re Application of	:	
Peusens et al.	:	
Application No. 10/577,833	:	DECISION ON PETITION
Filed: May 1, 2006	:	
Attorney Docket No. PD030102	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 22, 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 2618 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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AUG 21 2009

OFFICE OF PETITIONS

In re Application of :
Bernd BIEHLMAN et al. :
Application No. 10/577,835 : DECISION ON PETITION
Filed: May 01, 2006 :
Attorney Docket No. **3826 1099US** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 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 27, 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 two-month month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is October 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office Action of May 27, 2008 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 3662 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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Beyer Weaver LLP
P.O. Box 70250
Oakland, CA 94612-0250

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AUG 11 2008

In re Application of	:	
Yukinori Midorikawa, et al.	:	
Application No. 10/577,842	:	DECISION ON PETITION
Filed: May 14, 2007	:	TO WITHDRAW
Attorney Docket No. ALPSP249	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 13, 2008.

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

A review of the file record indicates that the power of attorney to Beyer Weaver LLP has been revoked by the assignee of the patent application on March 31, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Beyer Law Group LLP**
P.O. Box 1687
Cupertino, CA 95015-1687

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10 AUG 2006

Mark M. Friedman
c/o Polkinghorn
9003 Florin Way
Upper Marlboro MD 20772

In re Application of	:	
NARODITSKY	:	
Application No.: 10/577,859	:	DECISION ON
PCT No.: PCT/IL2004/000066	:	
Int. Filing Date: 22 January 2004	:	PETITION UNDER
Priority Date: 23 January 2003	:	
Attorney Docket No.: 26804	:	37 CFR 1.137(b)
For: INERTIAL NORTH FINDER	:	

This decision is in response to applicant's submission filed 28 April 2006.

BACKGROUND

On 22 January 2004, applicant filed international application PCT/IL2004/000066 which designated the U.S. and claimed a priority date of 23 January 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 05 August 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 July 2005 (23 July 2005 being a Saturday).

On 28 April 2006, 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, a declaration of the inventor, and a petition under 37 CFR 1.137(b) to revive the application.

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 28 April 2006.

As to item (2), applicant submitted the petition fee on 28 April 2006.

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.

Declaration of Inventors

The declaration of inventors filed 28 April 2006 is not in compliance with 37 CFR 1.497(a)-(b). There is a difference in names in the named inventor between the published international application (Michael NARODITSKY) and the declaration of the inventor (Michael NARODNITSKY). It is not clear if there was a typographical in the last name of the inventor as indicated in the international application (an acceptable explanation would be required), or if the inventor has changed his name (a petition under 37 CFR 1.182 (see MPEP § 605.04(c))) would be required), or if a change of inventorship is being made from the inventorship of the application as indicated in the international application (a petition under 37 CFR 1.497(d) would be required).

Also, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage is required.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Regarding the name of Mr. NARODITSKY, a proper response would be a new oath(s) or declaration(s) properly identifying the inventor and signed by the inventor, or an acceptable explanation of any typographical or transliteration error in the last name of the inventor as indicated in the international application if this is the case, or a petition under 37 CFR 1.182 (see MPEP § 605.04(c))) if the inventor has changed his name, or a petition under 37 CFR 1.497(d) if a change of inventorship is being made from the inventorship of the application as indicated in the international application. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

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

12 FEB 2007

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LEYDIG VOIT & MAYER, LTD
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WASHINGTON DC 20005-3960

In re Application of	:	
Saito et al.	:	
Application No.: 10/577,876	:	DECISION
PCT No.: PCT/JP04/15529	:	
Int. Filing Date: 20 October 2004	:	ON
Priority Date: 11 November 2003	:	
Attorney Docket No.: 403696SOEI	:	PETITION
For: Method For Glossing Solid Surface	:	
And Film-Forming Coating Liquid	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 06 November 2006.

BACKGROUND

This international application was filed on 20 October 2004, claimed an earlier priority date of 11 November 2003, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 19 May 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 11 May 2006. Applicants filed *inter alia* the basic national fee on 28 April 2006.

On 01 November 2006, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration compliant with 37 CFR 1.497(a) and (b), a surcharge under 37 CFR 1.492(h), the $400.00 search fee, and the $200.00 examination fee.

DISCUSSION

The submission filed on 06 November 2006 included the surcharge under 37 CFR 1.492(h), the $400.00 search fee, and the $200.00 examination fee, as well as the instant petition and fee 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.

Regarding requirement (1), the $200.00 petition fee was paid on 06 November 2006.

Regarding requirement (2), petitioner urges that the absence on the declaration of the signature of joint inventor Masahiro Makino be excused because he allegedly refused to sign the declaration. Counsel's attention is respectfully drawn to MPEP 409.03(d), which 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. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition

In support of the proposition that Mr. Makino has refused to execute the declaration, counsel has provided evidence including a copy and translation of e-mail correspondence from Mr. Makino to Naoki Ogura, dated 25 May 2006. In this e-mail, Mr. Makino states that

> It's been a long time. My answer to the patent issue is the same as before. I cannot change my mind once I make a resolution. Last time I refused. So, if this time I agree, it is a contradiction.

However, this e-mail evidence does not clearly establish that Mr. Makino is refusing to sign the declaration document for the instant application under 35 U.S.C. 371. Rather, Mr. Ogura's e-mail to Mr. Makino refers to not only the declaration, but also to an assignment pertinent to the U.S., an assignment pertinent to Canada, and a preliminary amendment. The evidence of record does not clearly establish that Mr. Makino is specifically refusing to sign the declaration, as opposed to one or more of the other documents. Moreover, petitioner has not established that the refusal occurred after Mr. Makino was presented with a complete copy of the application papers for the instant application; neither the Declaration of Mr. Ogura nor the e-mail

evidence of record refers to a copy of the application as having been presented to him. For these reasons, it would not be appropriate to conclude on the basis of the present record that requirement (2) has been satisfied.

Regarding requirement (3), the petition includes a statement of the last known address of Masahiro Makino. Accordingly, requirement (3) has been satisfied.

Regarding requirement (4), the declaration filed on 06 November 2006 has been signed by joint inventors Toru Saito, Hirofumi Tochikawa and Hideaki Tojo on behalf of themselves and non-signing joint inventor Masahiro Makino. This declaration is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b) and 1.47(a). As such, requirement (4) has been satisfied.

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). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

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11 JUN 2007

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In re Application of	:	
Saito et al.	:	
Application No.: 10/577,876	:	DECISION
PCT No.: PCT/JP04/15529	:	
Int. Filing Date: 20 October 2004	:	ON
Priority Date: 11 November 2003	:	
Attorney Docket No.: 403696SOEI	:	PETITION
For: Method For Glossing Solid Surface And Film-Forming Coating Liquid	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 05 April 2007.

DISCUSSION

In a Decision mailed on 12 February 2007, the petition under 37 CFR 1.47(a) filed on 06 November 2006 was dismissed without prejudice because

> Regarding requirement (2), petitioner urges that the absence on the declaration of the signature of joint inventor Masahiro Makino be excused because he allegedly refused to sign the declaration...
>
> In support of the proposition that Mr. Makino has refused to execute the declaration, counsel has provided evidence including a copy and translation of e-mail correspondence from Mr. Makino to Naoki Ogura, dated 25 May 2006. In this e-mail, Mr. Makino states that
>
> *It's been a long time. My answer to the patent issue is the same as before. I cannot change my mind once I make a resolution. Last time I refused. So, if this time I agree, it is a contradiction.*
>
> However, this e-mail evidence does not clearly establish that Mr. Makino is refusing to sign the declaration document for the instant application under 35 U.S.C. 371. Rather, Mr. Ogura's e-mail to Mr. Makino refers to not only the declaration, but also to an assignment pertinent to the U.S., an assignment pertinent to Canada, and a preliminary amendment. The evidence of record does not clearly establish that Mr. Makino is specifically refusing to sign the declaration, as opposed to one or more of the other documents. Moreover, petitioner has not established that the refusal occurred after Mr. Makino was presented with a complete copy of the application papers for the instant application; neither the Declaration of Mr. Ogura nor the e-mail evidence of record refers to a copy of the application as having been presented to him. For these reasons, it would not be appropriate to conclude on the basis of the present record that requirement (2) has been satisfied.

In response, petitioner has clarified that Mr. Ogura's "Declaration..." specifies the application with which his email correspondence with Mr. Makino was concerned. Petitioner also interprets Mr. Makino's written refusal as a general refusal to sign "all of the documents, including the Declaration;" upon reconsideration in view of counsel's remarks, it would be appropriate to conclude that Mr. Makino's position was that cooperation with regard to "the patent issue" (such as execution of a declaration document) would not be forthcoming because same would contradict his previous behavior/position. As such, upon reconsideration, it would be appropriate to conclude that Mr. Makino refused to execute the instant application after having been presented with a copy of the application and a declaration document.

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **06 November 2006**.

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15 MAR 2007

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Washington, D.C. 20231
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Stephanie M. Lawley
Leydig, Voit & Mayer
700 Thirteenth Street, N.W., Suite 300
Washington, DC 20005-3960

In re Application of :
OKUMURA, et al. : DECISION ON PETITION
Serial No.: 10/577,877 :
PCT No.: PCT/JP04/15520 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 20 October 2004 :
Priority Date: 11 November 2003 :
Atty Docket No.: 403695/SOEI :
For: A RUST-PREVENTIVE WATER-OIL :
SEPARATING CLEANER COMPOSITION AND :
A CLEANING METHOD USING THE SAME :

This decision is in response to the petition under 37 CFR 1.47(a) filed 06 July 2005 to accept the application without the signature of joint inventor Masahiro Makino. As authorized, the $200.00 petition fee will be charged to Deposit Account No.: 12-1216.

BACKGROUND

On 20 October 2004, applicant filed international application PCT/JP04/15520 which claimed priority to a previous application filed 11 November 2003. A copy of the international application was transmitted to the United States on 19 May 2005. Pursuant to 37 CFR 1.495 the period for providing payment of the full, U.S. Basic National Fee was set to expire thirty months from the priority date, or midnight 11 May 2006.

On 28 April 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application as filed; an Application Data Sheet; an Information Disclosure Statement and a preliminary amendment.

On 05 March 2007, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors was required, as well as, payment of the $130.00 surcharge for providing an executed oath or declaration later than thirty months from the earliest claimed priority date. Applicant was afforded two months to file a proper response.

On 08 March 2007, 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) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1, 3 and 4.

As to item (2), applicant has provided an email from the non-signing inventor Mr. Makino indicating that he will not execute the declaration. This email was sent in response to an email request which included a copy of the description and the claims of the subject invention. However, before this item can be considered satisfied some additional clarification is required. The original emails were in Japanese and while applicant has included English translations, applicant has not included a signed statement from the individual who provided the translations attesting to that individuals competency in Japanese and English, as well as, the validity of the English translations. This is especially important in the case at hand when the written refusal of Mr. Makino is an English translation.

Similarly, there is a question as to the copy of the application papers provided to the non-signing inventor. Since MPEP 409.03(d) requires that before a refusal can be alleged a complete set of application papers must be provided to the inventor, applicant should confirm that the papers identified in the email as English application and preliminary amendment were provided to Mr. Makino in a language he could understand.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." 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.

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03/15/2007 SBASHEIR 00000001 121216 10577877
Sale Ref: 00000001 DA#: 121216 10577877
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02 FC:1617 130.00 DA

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12 APR 2007

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In re Application of
OKUMURA, et al.
Application No.: 10/577,877
PCT No.: PCT/JP04/15520
Int. Filing Date: 20 October 2004
Priority Date: 11 November 2003
Atty Docket No.: 403695/SOEI
For: A RUST-PREVENTIVE WATER-OIL SEPARATING CLEANER COMPOSITION AND A CLEANING METHOD USING THE SAME

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is in response to the renewed petition under 37 CFR 1.47(a) filed 05 April 2007 to accept the application without the signature of joint inventor Masahiro Makino.

BACKGROUND

On 15 March 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 05 April 2007, applicant filed the renewed petition considered herein.

DISCUSSION

As detailed in the decision mailed 15 March 2007, 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 investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

As to item (2), with the filing of the signed statement of translator Shiro Terasaki and explanation of counsel, applicant has satisfied the remaining concerns of the decision mailed 15 March 2007 and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 20 October 2004 under 35 U.S.C. 363, and will be given a date of **08 March 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 20 October 2004 under 35 U.S.C. 363, and will be given a date of **08 March 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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06 JUN 2006

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Lanxess Corporation
Law & IP Department
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Pittsburgh, PA 15275-1112

In re Application of GRONOWSKI et al	:	
U.S. Application No.: 10/577,888	:	
PCT Application No.: PCT/CA03/01518	:	
Int. Filing Date: 02 October 2003	:	DECISION
Priority Date Claimed: 03 October 2002	:	
Attorney Docket No.: CH8451/PS1133	:	
For: ADHESIVE COMPOUNDS OF BUTYL-TYPE RUBBER	:	

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 28 April 2006.

BACKGROUND

On 02 October 2003, applicant filed international application PCT/CA03/01518, which claimed priority of an earlier Canada application filed 03 October 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 15 April 2004. The thirty-month period for paying the basic national fee in the United States expired on 03 April 2005.

International application PCT/CA03/01518 became abandoned as to the United States for failure to timely pay the basic national fee.

On 28 April 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

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

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

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

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

CONCLUSION

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

This application is being forwarded to the 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
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PCT Legal Office

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ATLANTA, GA 30326

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In re Application of
Martinus Jacobus Johannes Hack, et al.
Application No. 10/577,896
Filed: May 1, 2006
Attorney Docket No. 22264-70761

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 20, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before October 23, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed July 23, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 24, 2009.

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

The application became abandoned for failure to timely pay the issue and publication fee. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

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

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

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

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

April M. Wise
Petitions Examiner
Office of Petitions

Attachment: Copy of Notice of Allowance previously mailed July 23, 2009

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

44920 7590 07/23/2009

Venable LLP
Raymond J. Ho
575 7th Street NW
Washington, DC 20004-1601

EXAMINER	
WITKOWSKI, ALEXANDER C	
ART UNIT	PAPER NUMBER
2853	

DATE MAILED: 07/23/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,896	05/01/2006	Martinus Jacobus Johannes Hack	92781-253569	5427

TITLE OF INVENTION: INCREASED DROPLET PLACEMENT ACCURACY IN INKJET PRINTING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	10/23/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

44920 7590 07/23/2009

Venable LLP
Raymond J. Ho
575 7th Street NW
Washington, DC 20004-1601

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,896	05/01/2006	Martinus Jacobus Johannes Hack	92781-253569	5427

TITLE OF INVENTION: INCREASED DROPLET PLACEMENT ACCURACY IN INKJET PRINTING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	10/23/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
WITKOWSKI, ALEXANDER C	2853	347-047000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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.

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.
10/577,896	05/01/2006	Martinus Jacobus Johannes Hack	92781-253569	5427

EXAMINER	
WITKOWSKI, ALEXANDER C	
ART UNIT	PAPER NUMBER
2853	

DATE MAILED: 07/23/2009

44920 7590 07/23/2009

Venable LLP
Raymond J. Ho
575 7th Street NW
Washington, DC 20004-1601

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 266 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 266 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Notice of Allowability	Application No. 10/577,896	Applicant(s) HACK ET AL.	
	Examiner ALEXANDER C. WITKOWSKI	Art Unit 2853	

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *04/29/2009*.

2. ☒ The allowed claim(s) is/are *3,4,7,8,15,16,19 and 20*.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☒ All b) ☐ Some* c) ☐ None of the:
      1. ☒ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/A. C. W./ Examiner, Art Unit 2853	/Stephen D Meier/ Supervisory Patent Examiner, Art Unit 2853

DETAILED ACTION

1. Claims 3, 4, 7, 8, 15, 16, 19, and 20 are now pending in this application. Claims 3, 4, 7, 8, 15, 16, 19, and 20 were objected to for being dependent upon a rejected base claim. Claims 3, 4, 7, 8, 15,-16, 19, and 20 have been rewritten into independent form. Therefore, the objection and rejections concerning claims 3, 4, 7, 8, 15, 16, 19, and 20 have been reconsidered and withdrawn.

2. Claims 1, 2, 5, 6, 9 - 14, 17, 18, 21, and 22 have been cancelled.

Allowable Subject Matter

3. Claims 3, 4, 7, 8, 15, 16, 19, and 20 have been allowed. The following is a statement of reasons for the indication of allowable subject matter:

For claim 3, none of the prior art of record teaches an inkjet print head comprising: at least one nozzle chamber, having a nozzle aperture defined in one wall thereof for the ejection of printing fluid out of said aperture, a printing fluid supply channel interconnected with said nozzle chamber; and a printing fluid droplet tail release guide arrangement having disposed on a predetermined position of an edge of a circumference of said aperture, wherein said printing fluid droplet tail release guide arrangement comprises a bar of essentially triangular cross-section a base of which rests on an inner surface of said nozzle chamber and a pointed edge of which protrudes towards the center of said aperture said bar further extending along said inner surface inwards of said nozzle chamber.

For claim 4, none of the prior art of record teaches an inkjet print head comprising: at least one nozzle chamber, having a nozzle aperture defined in one wall thereof for the ejection of printing fluid out of said aperture, a printing fluid supply channel interconnected with said nozzle chamber; and a printing fluid droplet tail release guide arrangement having disposed on a predetermined position of an edge of a circumference of said aperture, wherein said printing fluid droplet tail release guide arrangement comprises a pointed structure of essentially pyramidal shape a base of which rests on an inner surface wall of said nozzle chamber and a pointed tip of which protrudes towards the center of said aperture.

For claim 7, none of the prior art of record teaches an inkjet print head comprising: at least one nozzle chamber, having a nozzle aperture defined in one wall thereof for the ejection of priming fluid out of said aperture, a printing fluid supply channel interconnected with said nozzle chamber; and a printing fluid droplet tail release guide arrangement having disposed on a predetermined position of an edge of a circumference of said aperture, wherein said printing fluid droplet tail release guide arrangement comprises a recessed section of essentially triangular shape in an inner surface wall of said nozzle chamber a base of which rests in the plane of said aperture and a point of which is directed inwards of said nozzle chamber.

For claim 8, none of the prior art of record teaches an inkjet print head comprising: at least one nozzle chamber, having a nozzle aperture defined in one wall thereof for the ejection of printing fluid out of said aperture, a printing fluid supply channel interconnected with said nozzle chamber; and a printing fluid droplet tail release guide arrangement having disposed on a predetermined position of an edge of a circumference of said aperture, wherein said printing fluid droplet tail release guide arrangement comprises a recessed section of essentially triangular pyramidal shape in an inner surface wall of said nozzle chamber a base of which rests in the plane of said aperture and a point of which is directed inwards of said nozzle chamber.

For claim 15, none of the prior art of record teaches a method for increasing droplet placement accuracy in an inkjet print head having at least one nozzle chamber with a nozzle aperture defined in one wall thereof for the ejection of printing fluid out of said aperture, comprising providing a printing fluid droplet tail release guide arrangement disposed on a predetermined position of an edge of a circumference of said aperture, wherein said printing fluid droplet tail release guide arrangement is a bar of essentially triangular cross-section such that a base thereof will rest on an inner surface of said nozzle chamber and such that a pointed edge thereof protrudes towards the center of said aperture and directing said bar such that it extends along said inner surface inwards of said nozzle chamber.

For claim 16, none of the prior art of record teaches a method for increasing droplet placement accuracy in an inkjet print head having at least one nozzle chamber with a nozzle aperture defined in one wall thereof for the ejection of printing fluid out of said aperture, comprising providing a printing fluid droplet tail release guide arrangement disposed on a predetermined position of an edge of a circumference of said aperture, wherein said printing fluid droplet tail release guide arrangement is a pointed structure of essentially pyramidal shape such that a base thereof rests on an inner surface wall of said nozzle chamber and such that a pointed tip thereof protrudes towards the center of said aperture.

For claim 19, none of the prior art of record teaches a method for increasing droplet placement accuracy in an inkjet print head having at least one nozzle chamber with a nozzle aperture defined in one wall thereof for the ejection of printing fluid out of said aperture, comprising providing a printing fluid droplet tail release guide arrangement disposed on a predetermined position of an edge of a circumference of said aperture, wherein said printing fluid droplet tail release guide arrangement is a recessed section of essentially triangular shape in an inner surface wall of said nozzle chamber such that a base thereof rests in the plane of said aperture and a point thereof is directed inwards of said nozzle chamber.

For claim 20, none of the prior art of record teaches a method for increasing droplet placement accuracy in an inkjet print head having at least one nozzle chamber

with a nozzle aperture defined in one wall thereof for the ejection of printing fluid out of said aperture, comprising providing a printing fluid droplet tail release guide arrangement disposed on a predetermined position of an edge of a circumference of said aperture, wherein said printing fluid droplet tail release guide arrangement is a recessed section of essentially triangular pyramidal shape in an inner surface wall of said nozzle chamber such that a base thereof rests in the plane of said aperture and a point thereof is directed inwards of said nozzle chamber.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER C. WITKOWSKI whose telephone number is (571) 270-3795. The examiner can normally be reached on Monday to Friday 8:00 AM to 6:30 PM EST, except alternate Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C. W./
Examiner, Art Unit 2853

/Stephen D Meier/
Supervisory Patent Examiner, Art Unit 2853

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA GA 30326

MAILED

APR 29 2010

OFFICE OF PETITIONS

In re Application of :
Martinus Jacobus Johannes HACK et al. :
Application No. 10/577,896 : DECISION ON PETITION
Filed: May 1, 2006 :
Attorney Docket No. 22264-70761 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 19, 2010, 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 October 23, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed July 23, 2009. Accordingly, the date of abandonment of this application is October 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

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

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 Olisa Anwah at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.

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

David A. Bucci
Petitions Examiner
Office of Petitions

cc **MORRIS, MANNING & MARTIN, LLP**
133 H Street NW
Suite 820
Washington, DC 20005

UNITED STATES PATENT and TRADEMARK OFFICE

28 OCT 2009

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	:	
EISENBACH-SCHWARTZ et al	:	DECISION ON
Application No.: 10/577,901	:	
PCT No.: PCT/IL2004/000441	:	
Int. Filing Date: 23 May 2004	:	PETITION UNDER
Priority Date: 22 May 2003	:	
Attorney Docket No.: EIS-SCHWARTZ 29A		:
For: DOPAMINE AND AGONISTS AND ...	:	37 CFR 1.181
REGULATORY T CELLS	:	

This decision is in response to the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT," filed on 22 July 2009 which is being treated as a petition under 37 CFR 1.181. Applicants have submitted, inter alia, a copy of the 28 February 2007 PTO stamped itemized postcard receipt. The itemized postcard lists, inter alia, the following item: Missing Parts Response with Declaration and Sequence Listing with Disk.

BACKGROUND

On 22 November 2005, 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). Applicants, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because no executed Declaration or Oath was provided with the transmittal letter at such time.

On 01 February 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by the International application number and international filing date, ... and that a copy of the Sequence Listing in computer readable form has not been submitted as required by 37 CFR 1.821(e)." The notice indicated that the items above must be submitted within two (2) months from the 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 28 February 2007, applicants filed an executed declaration and a sequence listing in computer readable form.

On 22 May 2009, the DO/EO/US mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909) which indicated that the application is abandoned because applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 02/01/2007 within the time period set therein.

In response to the "NOTIFICATION OF ABANDONMENT" mailed on 22 May 2009, applicants submitted on 22 July 2009 the instant petition to vacate holding of abandonment. In support of the request, applicants have provided a copy of the returned/stamped receipt card acknowledging a receipt date of 28 February 2007, within the time period of response.

On the 06 August 2009, the USPTO indicated that the Sequence Listing was accepted.

DISCUSSION

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

(1) Fees 965.00
(2) Missing Parts Response with Decl
(3) Sequence Listing with Disk

The postcard lists the above items and bears a USPTO date of stamp as February 28, 2007.

MPEP 503 provides:

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

Applicant's postcard is accepted as *prima facie* that a Declaration and a sequence listing computer readable form were deposited with the U.S. Patent and Trademark Office on 28 February 2007.

Accordingly, the date of receipt for the Declaration and the sequence listing in computer readable form is 28 February 2007, which is considered timely. Accordingly, the instant application has been improperly abandoned.

DECISION

The petition under 37 CFR 1.181 is **GRANTED**. The Notification of Abandonment (PCT/DO/EO/909) mailed 22 May 2009 was in error and is hereby **VACATED**.

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 is **28 February 2007**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Markus Hoffmeister	: DECISION ON REQUEST FOR
Patent Number	: 7616162	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/577,905	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/30/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **107** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Matthias Wellhoefer	: DECISION ON REQUEST FOR
Patent Number	: 7653468	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/577,906	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **60** 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.

24 OCT 2006

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Arendt Fox PLLC
1050 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036

In re Application of
DEL SOLDATO et al.
U.S. Application No.: 10/577,912
PCT No.: PCT/EP04/13683
Int. Filing Date: 01 December 2004
Priority Date: 02 December 2003
Attorney Docket No.: 026220-00082
For: NITROOXYDERIVATIVES OF CARVEDILOL AND OTHER BETA BLOCKERS AS ANTIHYPERTENSIVE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicant's "Petition under 37 CFR 1.47(a)" filed 19 July 2006 to accept the application without the signature of joint-inventor, Piero Del Soldato. Additionally, this decision is in response to applicant's "Response Withdrawing Petition under 37 CFR 1.47(a)" filed 13 September 2006, which included a declaration executed by the previous non-signing inventor, Piero Del Soldato.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 13 September 2006, with the present papers was executed by the previous non-signing inventor, Piero Del Soldato.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT. The petition fee submitted on 19 July 2006 has been refunded to counsel deposit account no. 01-2300.

The application will be given an international filing date of 01 December 2004 under 35 U.S.C. 363, and a date of **13 September 2006** 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.

Repln. Ref: 10/23/2006 SBASHEIR 0014152000
DAM:012300 Name/Number:10577912
FC: 9204 $130.00 CR

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

0 8 JUL 2008

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
MAIO et al.	:	
Application No.: 10/577,929	:	DECISION
PCT No.: PCT/EP2004/052674	:	
Int. Filing Date: 27 October 2004	:	
Priority Date: 30 October 2003	:	
Attorney Docket No.: 288921US0X PCT	:	
For: PROCESS AND APPARATUS FOR COOLING AND ATOMIZING LIQUID OR PASTY-LIKE SUBSTANCES	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 08 April 2008 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** as **MOOT**.

BACKGROUND

On 27 October 2004, applicants filed international application PCT/EP2004/052674, which designated the United States and claimed a priority date of 30 October 2003. A copy of the international application was communicated from the International Bureau to the USPTO on 02 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 May 2006 (30 April 2006 being a Sunday).

On 01 May 2006, 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, an Application Data Sheet (ADS), and a copy of a declaration of inventors under PCT Rule 4.17(iv) filed in the international application.

On 03 January 2007, 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 (Form PCT/DO/EO/909) according the application a 35 U.S.C. 371 date of 01 May 2006.

On 08 May 2008, applicants filed the instant petition under 37 CFR 1.47(a). The petition was accompanied by five declarations of inventors.

DISCUSSION

37 CFR 1.41(a)(4) states:

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any change effected under PCT Rule 92bis. See § 1.497(d) and (f) for filing an oath or declaration naming an inventive entity different from the inventive entity named in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any declaration filed under PCT Rule 4.17(iv) (§ 1.48(f)(1) does not apply to an international application entering the national stage under 35 U.S.C. 371).

The ADS filed 01 May 2006 and the declarations filed 08 April 2008 do not list the inventorship set forth in the international application. The ADS and declarations identify two additional inventors not listed in the international application--Leonardo GALLI and Mauro MENEGOLI. A Form PCT/IB/306 (NOTIFICATION OF THE RECORDING OF A CHANGE) from the International Bureau indicating that an inventor has been added does not appear in the file. Nor is there any other indication that a PCT Rule 92bis change has been made in the above-identified international application. Accordingly, the inventorship in the national stage is the inventorship set forth in the international application. The ADS filed 01 May 2006 is in error, the declarations filed 08 April 2008 do not list the proper inventorship, **and the petition under 37 CFR 1.47(a) is moot** since the alleged non-signing inventor, Mauro MENEGOLI, is not an inventor in the instant application.

If Correct Inventorship is Four Inventors

If the correct inventorship is that set forth in the international application, it can be corrected by correcting the ADS with submission of a request for correction and a supplemental application data sheet. See MPEP 601.05, *Supplemental ADS submissions*. The two inventors not listed in the international application would need to be deleted as inventors.

If Correct Inventorship is Six Inventors

If the correct inventorship is that set forth in the ADS filed 01 May 2006 and the declarations of inventors filed 08 April 2008, then a petition under 37 CFR 1.497(d) is required. If applicants file such a petition, applicants should note that a statement from each person being added as an inventor is required. In this case, a statement would be required from the person the petition under 37 CFR 1.47(a) alleges is a non-signing inventor. Although the requirements of 37 CFR 1.497(d) may be waived upon the filing of a request and fee under 37 CFR 1.183 (along with the request and fee under 37 CFR 1.497(d)) to permit the filing of a statement by less than all the parties required to submit a statement, **these occasions are rare and such a waiver will not be considered unless the facts of record unequivocally support the correction sought.** As 37 CFR 1.497(d) is intended as a simple procedural remedy and does not represent a substantive determination as to inventorship, issues relating to the inventors' or alleged inventors' actual contributions to conception and reduction to practice are not appropriate for consideration in determining whether the record unequivocally supports the correction sought. *Cf.*, MPEP 201.03, II, A, (set forth in part below).

An available remedy to obtain correction of inventorship where waiver of a required statement is not available to correct the inventorship in a particular application is to refile the application naming the correct inventive entity. A request under 37 CFR 1.497(d) would not then be required in the newly filed application as no correction would be needed. Furthermore, a request under 37 CFR 1.497(d) would also not be required in the prior application that was refiled, since the prior application will be abandoned. Benefit of the parent application's filing date would be available under 35 U.S.C. 120 provided there is at least one inventor overlap between the two applications. (Note: a sole-to-sole correction would not obtain benefit under 35 U.S.C. 120). *Cf.*, MPEP 201.03, II, A, (set forth in part below).

MPEP 201.03, II, A states in part:

> On very infrequent occasions, the requirements of 37 CFR 1.48(a) have been waived upon the filing of a petition and fee under 37 CFR 1.183 (along with the request and fee under 37 CFR 1.48(a)) to permit the filing of a statement by less than all the parties required to submit a statement. In re Cooper, 230 USPQ 638, 639 (Dep. Assist. Comm'r Pat. 1986). However, such a waiver will not be considered unless the facts of record unequivocally support the correction sought. In re Hardee, 223 USPQ 1122, 1123 (Comm'r Pat. 1984). As 37 CFR 1.48(a) is intended as a simple procedural remedy and does not represent a substantive determination as to inventorship, issues relating to the inventors' or alleged inventors' actual contributions to conception and reduction to practice are not appropriate for consideration in determining whether the record unequivocally supports the correction sought.
>
> In those situations where an inventor to be added refuses to submit a statement supporting the addition or such party cannot be reached, waiver under 37 CFR 1.183 of the requirement for a statement from that party would be appropriate upon a showing of such refusal or inability to reach the inventor. Every existing assignee of the original named inventors must give its consent to the requested correction. Where there is more than one assignee giving its consent, the extent of that interest (percentage) should be shown. Where no assignment has been executed by the inventors, or if deletion of a refusing inventor is requested, waiver will not be granted absent unequivocal support for the correction sought. Petitions under 37 CFR 1.47 are not applicable to the requirement for statements from each originally named inventor.
>
> An available remedy to obtain correction of inventorship where waiver of a required statement is not available to correct the inventorship in a particular application is to refile the application naming the correct inventive entity. A request under 37 CFR 1.48(a) would not then be required in the newly filed application as no correction would be needed. Furthermore, a request under 37 CFR 1.48(a) would also not be required in the prior application that was refiled, since the prior application will be abandoned. Benefit of the parent application's filing date would be available under 35 U.S.C. 120 provided there is at least one inventor overlap between the two applications. (Note: a sole-to-sole correction would not obtain benefit under 35 U.S.C. 120).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

Applicants are required to file a proper response within TWO (2) MONTHS from the date of mailing of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed 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.

/Daniel Stemmer/

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

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OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

In re Application of :
Dominique Loubinoux :
Application No. 10/577,939 : DECISION ON PETITION
Filed: December 15, 2006 : TO WITHDRAW
Attorney Docket No. 26218 : 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 November 16, 2009.

The request is **APPROVED**.

A review of the file record indicates that Richard L. Treanor: (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, Richard L. Treanor 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).

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Richard L. Treanor
Oblon, Spivak et al
1940 Duke Street
Alexandria, VA 22314

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD
ARLINGTON, VA 22203

Applicant: Loray et al.
Appl. No.: 10/577,940
International Filing Date: November 2, 2004
Title: PROCESSES FOR PREPARING DIFFERENT FORMS OF (S)-(+)-CLOPIDOGREL BISULFATE
Attorney Docket No.: LSN-4062-190
Pub. No.: US 2007/0082924 A1
Pub. Date: May 10, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 10, 2007, 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 application wherein four of the inventors were omitted.

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 omission of an inventor's name and residence do not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1]Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

On January 8, 2007, a Filing Receipt was mailed by the Office, which improperly listed the inventive entity. 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.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, 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

By facsimile: 571-273-8300

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

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NEW YORK, NY 10008-0770

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OFFICE OF PETITIONS

In re Application of :
Takamasa Ohtsuji :
Application No. 10/ 577,961 : DECISION ON PETITION
Filed: May 3, 2006 :
Attorney Docket No. 20295/0210681-US0 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 16, 2008, to revive the above-identified application.

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 18, 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 July 19, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1110 extension of time fee submitted with the petition on April 17, 2008 was

subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

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

This application is being referred to Technology Center AU 3747 for appropriate action by the Examiner in the normal course of business on the reply received April 17. 2008.

April M. Wise
Petitions Examiner
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/577,961	05/03/2006	Takamasa Ohtsuji	20295/0210681-US0

CONFIRMATION NO. 7529

7278
DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York, NY 10008-0770

POA ACCEPTANCE LETTER

OC00000033035677

Date Mailed: 11/10/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/16/2008.

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.

/amwise/

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

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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

Applicant	: Joachim Zimmer	: DECISION ON REQUEST FOR
Patent Number	: 7581887	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/577,963	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/03/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **339** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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PANASONIC PATENT CENTER
1130 CONNECTICUT AVENUE NW, SUITE 1100
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Joseph McCrossan	: DECISION ON REQUEST FOR
Patent Number	: 7634739	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/577,968	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **85** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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1130 CONNECTICUT AVENUE NW, SUITE 1100
WASHINGTON, DC 20036

Mail Date: 05/17/2010

Applicant : Joseph McCrossan
Patent Number : 7634739
Issue Date : 12/15/2009
Application No: 10/577,968
Filed : 05/02/2006

: 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 **195** 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

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

Paper No.

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

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In re Application of	:	
Yukiko Sugihara et al.	:	
Application No. 10/577,970	:	DECISION ON PETITION
Filed: May 3, 2006	:	PURSUANT TO
Attorney Docket No.: 06303/HG	:	37 C.F.R. § 1.181(A)
Title: POLYSACCHARIDE-CONTAINING COMPOSITION AND TEAR FILM STABILIZING OPHTHALMIC SOLUTION	:	

This is a decision on the petition filed June 19, 2008, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED.**

BACKGROUND

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed November 13, 2007, which set a shortened statutory period to reply for one month. No extensions of time under the provisions of 37 C.F.R. § 1.136(a) were received. Accordingly, the above-identified application became abandoned on December 14, 2007. A Notice of abandonment was mailed on June 24, 2008, subsequent to the filing of this petition.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

ANALYSIS

With this petition, Petitioner has stated that the Restriction Requirement of November 13, 2007 was not received at the correspondence address of record and that a search of the application file contents indicates that the Office action was not received. Petitioner has further included a copy of the incoming mail log, has described the system used for recording an Office action received at the correspondence address of record with the USPTO, and has provided a copy of the record where non-received Office action would have been entered had it been received.

However, Petitioner has failed to either **describe the docketing system** that Petitioner has in place or establish that it is **sufficiently reliable.**

Moreover, Petitioner has not provided a **copy of the master docket** for the firm, or state that no such master docket exists.

CONCLUSION

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[4].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[5]. All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.
4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
5 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 of Petitioner's further action(s).

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of	:	
Yukiko Sugihara et al.	:	
Application No. 10/577,970	:	DECISION ON RENEWED PETITION
Filed: May 3, 2006	:	PURSUANT TO
Attorney Docket No.: 06303/HG	:	37 C.F.R. § 1.181(A)
Title: POLYSACCHARIDE-CONTAINING COMPOSITION AND TEAR FILM STABILIZING OPHTHALMIC SOLUTION	:	

This is a decision on the renewed petition filed October 2, 2008, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn. A supplement to this renewed petition was filed on October 3, 2008.

This renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

BACKGROUND AND PROCEDURAL HISTORY

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed November 13, 2007, which set a shortened statutory period to reply for one month. No extensions of time under the provisions of 37 C.F.R. § 1.136(a) were received. Accordingly, the above-identified application became abandoned on December 14, 2007. A Notice of abandonment was mailed on June 24, 2008.

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on June 19, 2008, and was dismissed via the mailing of a decision on August 4, 2008.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney

docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

ANALYSIS

With the original petition, Petitioner stated that the Restriction Requirement of November 13, 2007 was not received at the correspondence address of record and that a search of the application file contents indicated that the Office action was not received. Petitioner further included a copy of the incoming mail log, described the system used for recording an Office action received at the correspondence address of record with the USPTO, and provided a copy of the record where the non-received Office action would have been entered had it been received.

The decision on the original petition indicated that the original petition was dismissed due to the fact that Petitioner failed to describe the docketing system, establish that it is sufficiently reliable, and either provide a copy of the master docket for the firm, or state that no such master docket exists.

With this renewed petition, Petitioner has provided a description of the docketing system, established that it is sufficiently reliable, and provided a copy of the firm's master docket.

CONCLUSION

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the Restriction Requirement of November 13, 2007 was not received.

Accordingly, the petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN.**

The Technology Center will be notified of this decision. The Technology Center's support staff will **re-mail the Restriction Requirement of November 13, 2007, and will set a new period for response.**

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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05 JUL 2007

Michael J. Bujold
Davis & Bujold, P.L.L.C.
Fourth Floor
500 North Commercial Street
Manchester, NH 03101-1151

In re Application of	:	DECISION ON
SKRYABIN et al	:	
PCT No.: PCT/AU2004/001513	:	
Application No.: 10/577,971	:	
Int. Filing Date: 03 November 2004	:	PETITION UNDER
Priority Date: 03 November 2003	:	
Attorney's Docket No.: GRIHAC P47AUSUS	:	
For: MULTILAYERED PHOTOVOLTAIC...	:	
ENVELOPE SURFACE	:	37 CFR 1.47(a)

This is in response to the "PETITION BY JOINT INVENTORS... CANNOT BE REACHED (37 C.R.F. § 1.47(a))" filed on 19 April 2007. The $200.00 petition fee has been charged to petitioner Deposit Account as stipulated in the petition.

BACKGROUND

On 03 November 2004, applicants filed international application PCT/AU2004/001513, which claimed priority to an earlier application filed 03 November 2003. The thirty (30) month time period for paying the basic national fee in the United States of America expired at midnight on 03 May 2006.

On 03 May 2006, 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 from the inventors accompanied the Transmittal Letter.

On 04 January 2007, 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 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 must be submitted within two months from the mailing 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 19 April 2007, petitioner filed the present petition accompanied, inter alia, an executed Declaration without the signatures of two of the five inventors, i.e., without the signature of Igor Skryabin and George Phani.

DISCUSSION

Petitioner's petition under 37 CFR 1.47(b) is improper because this petition is for the circumstance when all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort. In this situation two of the four inventors signed the declaration. Accordingly, the petition has been treated under 37 CFR 1.47(a).

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

> (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § **1.17(h)**, and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with § **1.63**.

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. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the

inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied items (1), (3) and (4) of 37 CFR 1.47(a). However, item (2) has not been satisfied.

Regarding item 2, it appears that nonsigning inventor Igor Lvovich SKRYABIN received the application papers based on the letters by attorney William Szekel (GRIFFITH HACK) dated 10 October 2006 and the reply by Michael J. Bujold (DAVIS & BUJOLD) dated October 16, 2006 refers to application papers 10/577,971 and his refusal to sign the required papers. However, it is unclear if George Phani has been presented with a copy of the complete application papers for application 10/577,971 and has failed to respond to the request to sign the declaration. The papers forwarded to him do not appear to include a copy of the complete application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP 409.03(d) since only the declaration and assignment were mentioned as being sent to him since only the declaration and assignment papers are discussed.

The current record does not sufficiently establish Mr. Phani's refusal to join in the patent application because no evidentiary documents have been submitted to show that a *bona fide* attempt was made to deliver the complete application to him and that he refused to sign the required papers.

Consequently, the petition has not met 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) 272-0459

UNITED STATES PATENT and TRADEMARK OFFICE

20 JUN 2008

COMMISSIONER FOR PATENTS
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Michael J. Bujold
Davis Bujold, & Daniels, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931

In re Application of	:	DECISION ON
SKRYABIN et al	:	
PCT No.: PCT/AU2004/001513	:	
Application No.: 10/577,971	:	PETITION UNDER
Int. Filing Date: 03 November 2004	:	
Priority Date: 03 November 2003	:	
Attorney's Docket No.: GRIHAC P47AUSUS	:	37 CFR 1.137(a),
For: MULTILAYERED PHOTOVOLTAIC...	:	
ENVELOPE SURFACE	:	1.47(a) & 1.181

This is in response to the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a) and RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 05 May 2008, which is being treated as a renewed petition under 37 CFR 1.47(a), and a petition under 37 CFR 1.181.

BACKGROUND

In a decision from this Office on 05 July 2007, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 07 December 2007, the USPTO mailed a "NOTICE OF ABANDONMENT' to the applicants because the above-identified application was abandoned for failure to timely reply to the Decision on Petition mailed on 05 July 2007.

On 05 May 2008, petitioner submitted a petition for revival, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181 of the above-identified application and a renewed petition under 37 CFR 1.47(a). Petitioner states that USPTO erroneously mailed the decision of 05 July 2007 to the previous Manchester, New Hampshire address, and that petitioner had moved to Concord, New Hampshire, in June of 2006 and promptly informed the USPTO by updating the information associated with Customer Number 020210. As a result, because petitioner did not receive the decision mailed on 05 July 2007 the above-identified application went abandoned.

37 CFR 1.181:

A review of the file shows that indeed the USPTO erroneously mailed the Notice to the wrong address for the law firm. Accordingly, applicants did have the Notice to respond to it in a timely manner. As a result, the Notice of Abandonment mailed 07 December 2007 was mailed in error

DECISION

The petition under 37 CFR 1.181 is **GRANTED**. The Notification of Abandonment mailed 05 July 2007 was in error and is hereby **VACATED**.

As a result, the petition filed under 37 CFR 1.137(a) is **MOOT**, and petitioner will be refunded the petition fee.

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 the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition has satisfied item 2 under 37 CFR 1.47(a). Thus satisfying all the items under 37 CFR 1.47(a).

Michael Bujold states that since mailing the applications papers to Igor SKRYABIN and George PHANI, Mr. SKRYABIN signed a copy of the declaration and mailed it back.

Bujold's averments, also, do sufficiently demonstrate that a *bona fide* attempt was made to obtain the signature of George PHANI and that he refused to sign the required papers. The declaration and application papers were mailed to him on April 11, 2006, to his home address but he has not returned the required papers. Accordingly, the conduct of Mr. PHANI is interpreted based on the evidence of the papers submitted as a refusal to sign the required papers. Consequently, the current record does sufficiently establish Mr. PHANI refusal to join in the application.

Consequently, the petition has not met the requirements under 37 CFR 1.47(a).

DECLARATION FILED ON 05 MAY 2008

The declaration filed on 05 May 2008 by petitioner and signed by Igor SKRYABIN is defective because there is an alteration on it – applicant crossed the section of the declaration that had the power of attorney. Any alternation made after the signing of an oath or declaration must be supported by a supplemental oath or declaration under §1.67 or must be initialized by said inventor and dated. Note 37 CFR §1.52.

For the reasons above, the application may not enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED** with respect to the nonsigning joint-inventor George PHANI.

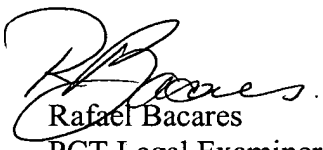
The petition under 37 CFR 1.181 is **GRANTED**. The Notification of Abandonment mailed 05 July 2007 was in error and is hereby **VACATED**.

The petition filed under 37 CFR 1.137(a) is **MOOT.**

However, because Mr. SKRYABIN filed a defective declaration as stated above, the application may not enter into national stage processing at this time.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision is a proper declaration from Mr. SKRYABIN. The two (2) months time period for response may be extended under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

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



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20 NOV 2008

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Michael J. Bujold
Davis Bujold, & Daniels, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931

In re Application of	:	DECISION ON
SKRYABIN et al	:	
Application No.: 10/577,971	:	
PCT No.: PCT/AU2004/001513	:	
Int. Filing Date: 03 November 2004	:	RENEWED PETITION
Priority Date: 03 November 2003	:	
Attorney's Docket No.: GRIHAC P47AUSUS	:	
For: MULTILAYERED PHOTOVOLTAIC...	:	
ENVELOPE SURFACE	:	UNDER 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.137(a) " filed on 18 August 2008, which is being treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

In a decision from this Office on 20 June 2008, the petition under 37 CFR 1.47(a) was erroneously granted under 37 CFR 1.47(a) event though petitioner filed a defective declaration. The decision stated that the application could not enter into the national stage processing because of the defective declaration.

On 18 August 2008, petitioner filed the current renewed petition that included a copy of the executed declaration filed on 05 May 2008 now initialized.

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 the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition has still not satisfied item 4 under 37 CFR 1.47(a).

The declaration filed on 05 May 2008 by petitioner and signed by Igor SKRYABIN is defective because there is an alteration on it – applicant crossed the section of the declaration that has the power of attorney on the first page. Any alternation made after the signing of an oath or declaration must be supported by a supplemental oath or declaration under §1.67 or must be initialized by said inventor and dated. Note 37 CFR §1.52.

Although, the declaration has now been initialized and dated but this is with respect to a copy of the executed declaration (not the original copy) and after the original declaration had been filed with the USPTO. Because the altered executed was not initialized and dated at the time of signing this subsequent action to a copy of the original declaration does remedy the defect. Accordingly, petitioner will need to file a new supplemental executed declaration.

Consequently, the petition has not met 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.

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12 MAY 2009

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Michael J. Bujold
Davis Bujold, & Daniels, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931

In re Application of	DECISION ON
SKRYABIN et al	
Application No.: 10/577,971	
PCT No.: PCT/AU2004/001513	
Int. Filing Date: 03 November 2004	RENEWED PETITION
Priority Date: 03 November 2003	
Attorney's Docket No.: GRIHAC P47AUSUS	
For: MULTILAYERED PHOTOVOLTAIC...	
ENVELOPE SURFACE	UNDER 37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a) " filed on 15 January 2009 and the "SUPPLEMENTAL RESPONSE TO RENEWED PETITION UNDER 37 CFR 1.47(a)," filed on 26 January 2009.

BACKGROUND

In a decision from this Office on 20 November 2008, the petition filed under 37 CFR 1.47(a) on 18 August 2008 was dismissed because item (4) was not met. The decision stated that because the altered executed was not initialized and dated at the time of signing this subsequent action to a copy of the original declaration did not remedy the defect.

On 15 January 2009, petitioner filed a renewed petition without the signature of joint inventor Igor Skryabin.

On 26 January 2009, petitioner filed a supplemental response to the renewed petition which included, inter alia, an executed declaration by signed Igor Skryabin.

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 the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The supplemental response to renewed petition has still not satisfied item (4) under 37 CFR 1.47(a).

The executed declaration filed on 26 January 2009 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, this second set of the executed declaration only identifies Igor SKRYABIN and it is signed by him but this set of the executed declaration does not list the other three joint inventors. Each set must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole would have all the required signatures as required under 37 CFR 1.497(a)(3).

Consequently, the petition has not met 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.

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22 SEP 2009

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In re Application of	:	DECISION ON
SKRYABIN et al	:	
Application No.: 10/577,971	:	
PCT No.: PCT/AU2004/001513	:	
Int. Filing Date: 03 November 2004	:	RENEWED PETITION
Priority Date: 03 November 2003	:	
Attorney's Docket No.: GRIHAC P47AUSUS	:	
For: MULTILAYERED PHOTOVOLTAIC...	:	
ENVELOPE SURFACE	:	UNDER 37 CFR 1.47(a)

This decision is in response to applicants' "RESPONSE TO RENEWED PETITION UNDER 37 CFR 1.47(a)" submitted on 14 July 2009.

BACKGROUND

A decision by this Office dated 12 May 2009 indicated that requirement (4) had not been satisfied.

On 14 July 2009, petitioner filed this renewed petition accompanied, inter alia, a properly executed declaration by joint inventor Igor Lvovich SKRYABIN.

DISCUSSION

The renewed petition has included an executed declaration by joint inventor Igor Lvovich SKRYABIN, and on 08 May 2008 an executed declaration signed by joint inventor George PHANI was submitted. The declaration is now signed by all the inventors: Igor Lvovich SKRYABIN, George PHANI, Sylvia Medlyn TULLOCH, Graeme Leslie EVANS and Ben JAUSNIK.

Accordingly, the declaration submitted on 14 July 2009 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **14 July 2009.**

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January 11, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Igor L. Skryabin et al.	:	PARTICIPATE IN PATENT
Serial No. 10/577,971	:	PROSECUTION HIGHWAY
Filed: May 03, 2006	:	PROGRAM AND
For: MULTILAYERED PHOTOVOLTAIC	:	PETITION TO MAKE SPECIAL
DEVICE ON ENVELOPE SURFACE	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed October 29, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);

(3) All of the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s); and

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all of the Office actions from each of the IPAU application(s);

(6) Applicant must submit:
   a. An IDS listing the documents cited by the IPAU examiner in the IPAU Office action(s) (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Michael Offenhuber	: DECISION ON REQUEST FOR
Patent Number	: 7594393	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/577,990	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/03/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **481** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

Mail Date: 05/03/2010

Applicant	: Hideo Nakagawa	: DECISION ON REQUEST FOR
Patent Number	: 7659626	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/578,003	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/03/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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26021
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Los Angeles, CA 90067

In re Application of :
SHIKATA *et al* :
Application No.: 10/578,025 :
PCT No.: PCT/JP2004/016128 :
Int. Filing Date: 29 October 2004 : **DECISION**
Priority Date: 30 October 2003 :
Attorney Docket No.: 81880.0145 :
For: BIOMEDICAL MEMBER AND METHOD :
FOR PRODUCING THE SAME :

This decision is in response to the petition filed 27 December 2006 and resubmitted on 30 July 2008.

BACKGROUND

On 27 April 2006, applicants filed papers to enter the national stage of PCT/JP2004/016128 which included the Basic National fee and $130.00 surcharge fee.

On 27 December 2006, applicants filed a declaration executed by three inventors along with the subject petition and a $130.00 processing fee.

On 30 July 2008, applicants resubmitted the subject petition.

On 31 July 2008, a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt were mailed indicating completion of 35 U.S.C. 371 requirements on 27 December 2006.

DISCUSSION

Applicants filed a request under 37 CFR 1.48(a) to correct inventorship with the declaration on 27 December 2006 along with a $130.00 processing fee. Applicants resubmitted the petition on 30 July 2008.

The international publication for PCT/JP2004/016128 lists the name of the third inventor as Iso WANG. The declaration filed 27 December 2006 recorded the name of the third inventor as Yucong WANG. Applicants explain that this was the result of a spelling error on the PCT Request.

A request under 37 CFR 1.48(a)[1] is not appropriate here. If the third 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 third named inventor has not legally changed his name, a new declaration signed using the name listed on the international publication for each inventor is needed, or counsel must provide an adequate explanation regarding the change such as a transliteration error. *See* § 201.03 MPEP.

Here, applicants state that the "name of inventor Yucong Wang was spelled incorrectly on the PCT Request." This explanation is insufficient. The discrepancy in the spelling between the name **Iso** and the name **Yucong** is too great to be called a spelling error. Applicants must provide a more detailed explanation, or submit a petition to change the name of the inventor.

DECISION

The petition under 37 CFR 1.48(a) is **DISMISSED** as **MOOT**.

The $130.00 processing fee has been credited to Deposit Account No. 50-1314.

For the reasons noted above, the declaration filed 27 December 2006 is not in compliance with 37 CFR 1.497(a)(3) as it does not properly identify each inventor.

Accordingly, the Form PCT/DO/EO/903 and filing receipt mailed 31 July 2008 are hereby **VACATED**.

Applicants must provide an adequate response within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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[1] 37 CFR 1.497(d) for national stage applications. *See* § 1893.01(e). The requirements are identical.

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In re Application of :
SHIKATA *et al* :
Application No.: 10/578,025 :
PCT No.: PCT/JP2004/016128 :
Int. Filing Date: 29 October 2004 : **DECISION**
Priority Date: 30 October 2003 :
Attorney Docket No.: 81880.0145 :
For: BIOMEDICAL MEMBER AND METHOD :
FOR PRODUCING THE SAME :

This decision is in response to the papers filed 23 December 2008.

BACKGROUND

On 02 October 2008, a decision dismissing applicant's petition under 37 CFR 1.48(a) as moot was mailed. But applicants did not adequately explain a discrepancy in the spelling of an inventor's name. Thus, the declaration was held not in compliance with 37 CFR 1.497(a)(3). Applicants were given two months to respond with extensions of time available.

On 23 December 2008, applicants filed the subject response which was accompanied by a one-month extension and fee.

DISCUSSION

The declaration filed 27 December 2006 was held not in compliance with 37 CFR 1.497(a)(3) as it did not properly identify each inventor. The international publication lists the name of the third inventor as Iso WANG. The declaration recorded the name of the third inventor as Yucong WANG.

In the prior response, applicants explained that this was the result of a spelling error on the PCT Request. However, due to the difference in the name of the first inventor, applicants were requested to provide further information.

In the subject response, counsel affirms that the error made of the names of the two inventors in the PCT application was simply a translation error of Japanese and Chinese characters. In this case, the name listed on the declaration filed 27 December 2006 is correct as the inventor was/is a Chinese citizen.

This explanation is sufficient and meets the requirements of the MPEP.

CONCLUSION

The declaration filed 27 December 2006 properly identifies all inventors and is in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for mailing a new Form PCT/DO/EO/903 and filing receipt in accordance with this decision.

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19 MAR 2007

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In re Application of	:	
Girodet et al.	:	
Application No.: 10/578,036	:	DECISION
PCT No.: PCT/FR04/02882	:	
Int. Filing Date: 09 November 2004	:	ON
Priority Date: 12 November 2003	:	
Attorney Docket No.: 4195-034	:	PETITION
For: Device For Cleaning Protective Sheaths Of UV Lamps Of A Device For Disinfecting Water Using..	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 09 January 2007.

BACKGROUND

This international application was filed on 09 November 2004, claimed an earlier priority date of 12 November 2003, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 26 May 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 12 May 2006. Applicants filed *inter alia* the basic national fee on 02 May 2006.

On 04 January 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration compliant with 37 CFR 1.497(a) and (b).

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.

Regarding requirement (1), the $200.00 petition fee was paid on 09 January 2007.

Regarding requirement (2), petitioner urges that the absence on the declaration of the signature of joint inventor Christian Vanpeene be excused because he allegedly "refuses to execute the declaration." Counsel's attention is respectfully drawn to MPEP 409.03(d), which 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. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition

Review of the petition and accompanying papers reveals that petitioner has not provided evidence, of the type described at MPEP 409.03(d), showing that Mr. Vanpeene in fact refused to execute the declaration after being presented with it and a complete copy of the application papers. Therefore, it would not be appropriate to conclude on the basis of the present record that requirement (2) has been satisfied.

Regarding requirement (3), the petition includes a statement of Mr. Vanpeene's last known address. Accordingly, requirement (3) has been satisfied.

Regarding requirement (4), the declaration filed on 09 January 2007 has been signed by joint inventor Pierre Girodet on behalf of himself and non-signing joint inventor Christian Vanpeene. This declaration is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b), and 37 CFR 1.47(a). As such, requirement (4) has been satisfied.

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). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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

26 DEC 2007

COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary, NC 27518

In re Application of
Girodet et al.
Application No.: 10/578,036
PCT No.: PCT/FR04/02882
Int. Filing Date: 09 November 2004
Priority Date: 12 November 2003
Attorney Docket No.: 4195-034
For: Device For Cleaning Protective Sheaths Of UV Lamps Of A Device For Disinfecting Water Using..

DECISION

ON

PETITION

This is in response to the "response to decision on petition" under 37 CFR 1.47(a) filed on 06 July 2007.

DISCUSSION

In a Decision mailed on 19 March 2007, the petition under 37 CFR 1.47(a) filed on 09 January 2007 was dismissed without prejudice because

> Review of the petition and accompanying papers reveals that petitioner has not provided evidence, of the type described at MPEP 409.03(d), showing that Mr. Vanpeene in fact refused to execute the declaration after being presented with it and a complete copy of the application papers. Therefore, it would not be appropriate to conclude on the basis of the present record that requirement (2) has been satisfied.

In response, petitioner has now provided a declaration document signed by Mr. Vanpeene. Therefore, the petition under 37 CFR 1.47(a) has been rendered moot.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**, without prejudice.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **06 July 2007**.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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
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INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET
SUITE 4000
MINNEAPOLIS MN 55402

COPY MAILED

AUG 0 8 2006

OFFICE OF PETITIONS

In re Application of :
Dillon, David :
Application No. 10/578,037 : DECISION ON PETITION
Filed: May 2, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 166981118 : 37 CFR 1.102(c)(2)
:

This is a decision on the petition under 37 CFR 1.102(c)(2)(iii), filed June 9, 2006, 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)

The petition states,David G. Dillion further asserts that embodiments of the invention, as described and claimed in the above-referenced application, can be used to combat such counterfeiting, and in turn, to counter terrorism." As stated above, the materiality 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. Further, petitioner has failed to explain how the claimed invention has met the materiality standard.

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 Petitions Examiner Liana Chase at 571-272-3206. 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 the Technology Center Art Unit 3627 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET
SUITE 4000
MINNEAPOLIS MN 55402

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FEB 09 2007

OFFICE OF PETITIONS

In re Application of	:	
Dillon, David	:	DECISION ON PETITION
Application No. 10/578,037	:	TO MAKE SPECIAL
Filed: May 2, 2006	:	37 CFR 1.102(c)
Attorney Docket No. 16698.11.18	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(2)(iii), filed October 18, 2006, 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)

The publications submitted with the instant application as evidence that the claimed invention counters terrorism include speculative statements, such as, "intellectual property crime is becoming the preferred method of funding for a number of terrorist groups," and "growing evidence that terrorist groups sometimes fund their activities using the proceeds." As stated above, 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. No evidence supporting the above statements has been included. The contribution of petitioner's invention does not rise to the level intended by the Rule.

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 Petitions Examiner Liana Walsh at 571-272-3206. 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 the Technology Center Art Unit 3627 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

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14 AUG 2009

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Alexandria, VA 22313-1450
www.uspto.gov

Kenneth A Weber
TOWNSEND AND TOWNSEND AND CREW
Eighth Floor
Two Embarcadero Center
San Francisco CA 94111-3834

In re Application of:
SMIDER, Vaughn, V., et al.
U.S. Application No.: 10/578,054
PCT No.: PCT/US2004/036577
International Filing Date: 02 November 2004
Priority Date: 03 November 2003
Atty Docket No.: 1016750053P
For: A NON-FLUORESCENT, NON-ENZYMATIC, CHEM-ILLUMINESCENT AQUEOUS ASSAY

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 29 April 2009 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned due to applicants' failure to submit a proper response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 31 January 2007 and the "Notification Of Defective Response" (Form PCT/DO/EO/916) mailed 04 February 2008. Specifically, applicants had failed to provide the additional sequence listing materials required by such Notifications, including an acceptable computer readable form (CRF) of the sequence listing.

The present petition was accompanied by the petition fee and the "required reply" in the form of required sequence listing materials, including an acceptable CRF of the sequence listing. In addition, the petition includes a 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," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the present national stage application is appropriately granted.

This application is being referred 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 28 June 2007.

Richard M. Ross
Attorney Advisor
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
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Alexandria, Virginia 22313-1450
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CARLSON GASKEY & OLDS
400 W MAPLE STE 350
BIRMINGHAM, MI 48009

Mail Date: 04/21/2010

Applicant	: Andres Monzon Simon	: DECISION ON REQUEST FOR
Patent Number	: 7607516	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,058	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **734** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
RESEARCH TRIANGLE PARK NC 27709

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DEC 26 2007

OFFICE OF PETITIONS

In re Application of :

RAO, Davuluri R. et al. :
Application No. 10/578,078 : DECISION ON PETITION
Filed: March 07, 2007 : TO WITHDRAW
Attorney Docket No. **020540-005** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 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 Marianne Fuierer on behalf of all attorneys of record who are associated. All attorneys/agents associated with 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.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **DAVULURI RAMMONHAN RAO**
PLOV NO. 6
OMANAGAR, BEGUMPET
HYDERABAD 500016
INDIA

cc: **NEULAND LABORATORIES LIMITED**
C/O OF DR. ARUL
#204 MEDIDIAN PLAZA 6-3-854/1
AMEERPET, HYDERABAD – 500016
ANDHRA PRADESH, INDIA

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Alexandria, VA 22313-1450
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MAILED

APR 13 2009

OFFICE OF PETITIONS

DAVULURI RAMMONHAN RAO
PLOV NO. 6
OMANAGAR, BEGUMPET
HYDERABAD 50001-6 IN INDIA

In re Application of :

RAO, Davuluri R. et al. :
Application No. 10/578,078 : DECISION ON PETITION
Filed: March 07, 2007 : TO WITHDRAW
Attorney Docket No. : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 10, 2009.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

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

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **MOORE & VAN ALLEN PLLC**
P.O. BOX 13706
RESEARCH TRIANGLE PARK NC 27709

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

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MAY 26 2009

OFFICE OF PETITIONS

In re Application of

RAO, Davuluri R. et al.
Application No. 10/578,078
Filed: March 07, 2007
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 May 05, 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 Marianne Fuierer on behalf of all attorneys of record who are associated with customer No. 24239. All attorneys/agents associated with the Customer Number 24239 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 Davuluri Rao 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: **DAVULURI RAMMONHAN RAO**
C/O NEULAND LABOATORIES
#204 MERIDIAN PLAZA 6-3-853/1
HYDERABAD ANDHRA PRADESH 500 016
INDIA

UNITED STATES PATENT AND TRADEMARK OFFICE

30 SEP 2009

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

Jared Gunther
DUANE MORRIS LLP
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

In re Application of Hein, Hans-Peter	:	
Application No.: 10/578,086	:	
PCT Application No.: PCT/DE04/02424	:	
Int. Filing Date: 2 November 2004	:	DECISION
Priority Date: 7 November 2003	:	
Attorney Docket No.: D4695-00153	:	
For: PLASTIC COATING OF THE END-INNER AREA OF A CAP	:	

This is in response to applicant's Petition To Withdraw Holding of Abandonment filed 21 July 2009, which is being treated under 37 CFR 1.181.

BACKGROUND

On 2 November 2004, applicants filed international application PCT/DE04/02424. The international application claims a priority date of 7 November 2003 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date that is 2 May 2007.

On 3 May 2006, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a declaration in the international application filed under PCT Rule 4.17(iv).

On 16 November 2007, the OFFICE OF INITIAL PATENT EXAMINATION (OIPE) mailed a Notice of Abandonment under 37 CFR 1.53(f) or (g), which indicated that no reply has been received by the USPTO.

On 10 January 2008, the USPTO mailed a Notification of Missing Requirements informing applicant that applicant must submit a translation of the application into English, a processing fee of $130 (37 CFR 1.492(i)), and an oath or declaration that is executed and identifies the application to which it is directed.

On 7 March 2008, applicant submitted a translation of the application into English and the processing fee of $130 (37 CFR 1.492(i)).

On 2 July 2008, the DO/EO mailed a Notice of Acceptance (PCT/DO/EO/903) indicating a 371 Date of 7 March 2008.

On 20 November 2008, the OIPE mailed a second Notice of Abandonment, which indicated that no reply has been received by the USPTO.

On 17 July 2009, the OIPE mailed a third Notice of Abandonment, which indicated that no reply has been received by the USPTO.

On 21 July 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the international application finds on 3 May 2006, applicant satisfied requirements of 35 U.S.C. 371(c)(1) and (c)(4). An English translation of the international application and processing fee were provided on 7 March 2008. The translation and processing fee satisfies the requirement of 35 U.S.C. 371(c)(2).

It is determined that Notices of Abandonment dated 16 November 2007; 20 November 2008; and 17 July 2009 were sent in error and are hereby **VACATED**.

CONCLUSION

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

This Application is being referred to Technology Center Art Unit 3781 for continued examination in due course.

/Brian Whiteman/
Detailee
Office of PCT Legal Administration
Telephone: 571-272-6095
Facsimile: 571-273-0459

Richard Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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20 JUN 2007

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

In re Application of	:	DECISION ON
Joseph E. FITZGERALD et al	:	
PCT No.: PCT/US2004/039658	:	
Application No: 10/578,091	:	
Int. Filing Date: 24 November 2004	:	PETITION UNDER
Priority Date: 26 November 2003	:	
Attorney's Docket No.: 200406552-4	:	
For: SYSTEM AND MEHTOD ...	:	
IMAGES FOR COMPUTERS	:	37 CFR 1.47(a)

This is in response to the "Communication" filed on 02 April 2007, which is being treated as a petition under 37 CFR 1.47(a). The $200.00 petition fee has not been provided.

BACKGROUND

On 24 November 2004, applicants filed international application PCT/US2004/039658, which claimed priority to an earlier application filed 26 November 2003. The thirty (30) month time period for paying the basic national fee in the United States of America expired at midnight on 26 May 2006.

On 03 May 2006, 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. However, no executed declaration or oath was submitted at such time.

On 04 January 2007, 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 that it was not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68." "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."

In an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), applicants, inter alia, filed on 02 April 2007, a petition under 37 CFR 1.47(a), and an executed declaration was filed without the signature of inventor Edward Kahn. Also, included were a declaration of Edward J. Brooks, and an affidavit of Tuan V. Ngo indicating that Me. Edward Kahn refuses to sign the declaration.

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. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has not satisfied items (1) – (4) of 37 CFR 1.47(a).

Regarding item (1), petitioner has been not provided the petition fee $200 under 37 CFR 1.17(g).

Regarding item (2), although the statement by Mr. Brooks states that he has sent three letters to him and Mr. Kahn. However, it has not been sufficiently demonstrated that a copy of the application papers were presented to the nonsigning inventor. It is unclear what documents were forwarded to Mr. Kahn because Mr. Brooks refers only refers to the declaration and there is no statement referring to a copy of the application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP. 409.03(d) being sent to him.

Regarding item (3), petitioner has provided an affirmative statement of the last known address of the nosigning inventor.

Regarding item (4), petitioner has provided a defective declaration because there are alterations on it - lines across the information on it (note the section under Phil Burgard with his signature). Any alternation made after the signing of an oath or declaration must be supported by a supplemental oath or declaration under §1.67. Note 37 CFR §1.52.

Consequently, the petition has not met the requirements under 37 CFR 1.47(a).

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

10 SEP 2007

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

In re Application of	:	DECISION ON RENEWED
Joseph E. FITZGERALD et al	:	
PCT No.: PCT/US2004/039658	:	
Application No: 10/578,091	:	
Int. Filing Date: 24 November 2004	:	PETITION UNDER
Priority Date: 26 November 2003	:	
Attorney's Docket No.: 200406552-4	:	
For: SYSTEM AND MEHTOD ...	:	
IMAGES FOR COMPUTERS	:	37 CFR 1.47(a)

This decision is in response to applicant's " RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 13 August 2007 respectively in response to a decision by this Office dated 20 June 2007. The petition fee of $200.00 has been charged to Deposit Account 08-2025 as indicated in the renewed petition.

BACKGROUND

The decision by this Office dated 20 June 2007 indicated that requirements (1)-(2) and (4) under 37 CFR 1.47(a) had not been satisfied.

On 13 August 2007, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 20 June 2007 because Mr. Kahn has executed the declaration.

DISCUSSION

The renewed petition states subsequent to the date of the Decision, Mr. Kahn has executed the declaration. The declaration is now signed by all the inventors.

Accordingly, the declaration submitted on 13 August 2007 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **13 August 2007.**

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

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UNITED STATES DEPARTMENT OF COMMERCE
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JENKINS, WILSON, TAYLOR & HUNT, P. A.
Suite 1200 UNIVERSITY TOWER
3100 TOWER BLVD.,
DURHAM, NC 27707

Mail Date: 04/21/2010

Applicant	: Sanjay K. Sharma	: DECISION ON REQUEST FOR
Patent Number	: 7659244	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,105	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **565** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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United States Patent and Trademark Office
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RUTAN & TUCKER, LLP
611 ANTON BLVD, SUITE 1400
COSTA MESA, CA 92626

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FEB 18 2009

OFFICE OF PETITIONS

In re Application of

John **MAK, et al.**
Application No. 10/578,122
Filed: February 7, 2007
Attorney Docket No. **100325.0240US**

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 August 12, 2008.

The request is **APPROVED**.

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

The request was signed by Todd Wight on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence 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.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examine, Office of Petitions

cc: **JOHN MAK**
2242 SALT AIR DRIVE
SANTA ANA, CA 92705

cc: **FISH & ASSOCIATES, PC**
2603 MAIN STREET, SUITE 1050
IRVINE, CA 92614

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19 SEP 2006

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

In re Application of AKASHI et al	:	
U.S. Application No.: 10/578,128	:	
PCT Application No.: PCT/JP04/16845	:	DECISION
Int. Filing Date: 12 November 2004	:	
Priority Date Claimed: 13 November 2003	:	
Attorney Docket No.: 40369	:	
For: THAWING METHOD	:	

This is in response to applicant's "Request & Petition" filed 24 July 2006, which is being treated under 37 CFR 1.182. The requisite $400.00 petition fee has been submitted.

The petition requests correction of the Transmittal Letter (Form PTO-1390) filed 02 May 2006. A review of the application file reveals that although the Transmittal Letter listed international application number PCT/US04/16845, the papers filed 02 May 2006 are otherwise consistent with PCT/JP04/16845.

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 12 November 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 July 2006.

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

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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS, IN 46204

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APR 0 6 2009

OFFICE OF PETITIONS

In re Application of
Jan Watte et al
Application No. 10/578,152
Filed: May 4, 2006
Attorney Docket No. TYR-P0006

ON PETITION

This is a decision on the petition filed March 18, 2009 and resubmitted on March 26, 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 September 9, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 10, 2008.

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

07 JUN 2006

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25889
COLLARD & ROE, P.C.
1077 Northern Blvd.
Roslyn, NY 11576-1696

In re Application of :
LASSE, Korf, Madsen :
U.S. Application No.: 10/578,165 :
PCT No.: PCT/EP2004/004200 :
Int. Filing Date: 21 April 2004 : **DECISION**
Priority Date: 16 May 2003 :
Attorney's Docket No.: LASSE-1 PCT :
For: BUTTERFLY VALVE :

Applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR §1.137(b)" filed with the national stage papers on 04 May 2006 is hereby **GRANTED** as follows:

The basic national fee and petition fee have been paid. Applicant's statement is sufficient to meet the requirements of 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.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 21 April 2004, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 04 May 2006.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Mail Date: 04/20/2010

Applicant	: Bernd Bruchmann	: DECISION ON REQUEST FOR
Patent Number	: 7645855	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,186	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **613** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Mail Date: 05/17/2010

Applicant : Bernd Bruchmann
Patent Number : 7645855
Issue Date : 01/12/2010
Application No: 10/578,186
Filed : 05/04/2006

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

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

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

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

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COMPUTER PATENT ANNUITIES INC.
901 N. WASHINGTON STREET
SUITE 305
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Karin Cabrera	: DECISION ON REQUEST FOR
Patent Number	: 7666336	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,193	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **701** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SHOEMAKER AND MATTARE, LTD
10 POST OFFICE ROAD
SUITE 110
SILVER SPRING, MD 20910

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AUG 0 1 2008

Applicant: Hempel
Appl. No.: 10/578,196
Filing Date: May 4, 2006
Title: STATIC MIXING DEVICE, DISCHARGE DEVICE AND SULLPY CONTAINER COMPRISING SAID MIXING DEVICE, USE OF SAID MIXING DEVICE AND DISCHARGE METHOD
Attorney Docket No.: 5836
Pub. No.: 2007/0081420 A1
Pub. Date: April 12, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 27, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the benefit claim data is erroneously printed.

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 August 27, 2007, was not timely filed under 37 CFR 1.221(b).

Even if the request was timely filed the request would be dismissed as the benefit claim is not a material mistake as required by 37 CFR 1.221(b). The error in the benefit claim on the front page of the publication is not a material mistake as the benefit does not impact the 35 USC

[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).

102(e). The error in the benefit claim on the front page of the publication is not a material mistake because it does not 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.

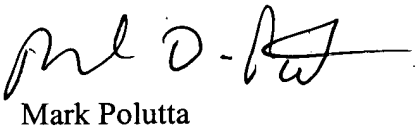
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, 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

By facsimile: 571-273-8300

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

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Prout and Associates, LLC
P.O. Box 761
Wayzata, MN 55391

Mail Date: 04/27/2010

Applicant	: Kevin R. Lynch	: DECISION ON REQUEST FOR
Patent Number	: 7638637	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/578,216	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/03/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **291** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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30 AUG 2007

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of	:	
GOLLER, et al.	:	DECISION ON PETITION
Serial No.: 10/578,233	:	
PCT No.: PCT/US04/36477	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 03 November 2004	:	
Priority Date: 03 November 2003	:	
Atty Docket No.: TEVBNP 3.3-167	:	
For: SOFT STEROID COMPOSITIONS FOR USE IN DRY POWDER INHALERS	:	

This decision is in response to applicant's "Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) and Petition under 37 CFR 1. 47(a)" filed 13 June 2007 to accept the application without the signatures of joint inventors, Qi Li, Katherine Salas, Anayo Ukeje and Ramesh Yanamandra. Applicant requests a five month extension of time, which is granted.

BACKGROUND

On 13 November 2006, 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 13 June 2007, applicant filed a petition under 37 CFR 1.47(a) to accept the application without the signatures of joint inventors Qi Li, Katherine Salas, Michael Ukeje and Ramesh Yanamandra.

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 investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1) and (3) above are satisfied.

Regarding item (2) above, Petitioner contends that Qi Li, Katherine Salas, Anayo Ukeje and Ramesh Yanamandra have refused to sign the application or are unavailable. In support of the petition, petitioner submits the affidavit of Samantha Claire Radley, Patent Administrator for Norton Healthcare Limited (assignee) regarding the nonsigning inventors' refusal or unavailability to sign the application papers.

With regard to inventor Qi Li, Ms. Radley states that on 3 August 2006, she "sent a bundle of documents consisting of a Declaration for Utility or Design Patent Application, a copy of the US patent application No. 10/578,233 and an Assignment" to Qi Li at his last known address. The documents were not returned. A copy of this letter and a copy of the receipt of delivery to Qi Li was not attached to the statement she provided.

Likewise a second letter from Ms. Radley to the inventor was sent on 1 March 2007, (attached as Exhibit SR1), which indicates that "the bundle of documents [a Declaration for Utility or Design Patent Application, a copy of the US patent application No. 10/578,233 and an Assignment]" were sent to Qi Li, which were returned as undeliverable. A copy of the envelope was not attached to the affidavit as stated therein. A review of the contents of the 01 March 2007 letter reveals the following: "Please find enclosed a declaration for use in the prosecution of the above United States patent application by Norton Healthcare Limited.". There is no mention that a complete copy of the application papers were included with the correspondence. Nor is there any documentary evidence that a complete copy of the application papers was presented to the nonsigning inventor in an itemized list of enclosures. Although Ms. Radley appears to indicate that a "copy of the application" papers was forwarded to the nonsigning inventor, the letter offered as Exhibit SR1 does not support such statement.

Ms. Radley further states that she made one email inquiry regarding the last known address of Qi Li with the above referenced U.S. law firm. Ms. Radley concludes that she cannot contact Qi Li at this time. However, Ms. Radley did not conduct a search of the Internet or contact the joint inventors in an attempt to locate the nonsigning inventor. Thus, further evidence of the diligent efforts made to locate nonsigning inventor Qi Li was not presented and is required. *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.*

Ms. Radley provided similar affidavits for nonsigning inventors Katherine Salas, Anayo Ukeje and Ramesh Yanamandra. Her letters dated 01 March 2007 (attached as Exhibit SR1) do not provide documentary evidence that a complete copy of the application papers were mailed to the nonsigning inventors and do not support her statement that such papers were provided because the letters do not detail the contents or enclosures but mention only the declaration. Petitioner must provide the nonsigning inventors a complete copy of the application papers before a petition under 37 CFR 1.47(a) can be granted.

Moreover, postal receipts were not presented as evidence to demonstrate that the

inventors were presented with the application papers. The nonsigning inventors' silence cannot be construed as a refusal in the immediate circumstances as it is unclear whether they received the papers and whether the papers did in fact contain a complete copy of the application including an oath or declaration for execution.

Moreover, Ms. Radley's search for inventors Ukeje and Yanamandra through an internet phone book is insufficient as it is an incomplete search performed only for a telephone number and is restricted to a specific locale.

Refusal Of The Inventor To Sign The Application Papers

In cases where it is argued that the non-action of an inventor should be considered a refusal to cooperate, it is especially important to provide proof of delivery of the papers, as well as, a firsthand statement of the preparation and mailing of the papers.

Section 409.03(d) of the MPEP, 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.

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 papers for this application (specification, claims, drawings and oath/declaration) were sent to the nonsigning inventors and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of

instruction, telegrams, etc., should be supplied with the declaration.

Inability To Find or Reach A Nonsigning Inventor

MPEP Section 409.03(d) also states: where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The 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. Petitioner has not yet demonstrated diligent efforts to find or reach the nonsigning inventors.

With respect to Item (4) above, petitioner filed multiple 2 page declarations. However, each declaration is incomplete, in that, each declaration does not identify all the inventors as listed on the published international application PCT/US04/36477. What is required is a newly executed declaration which identifies all the inventors and is in compliance with 37 CFR 1.497(a) and (b). Item (4) is not yet satisfied.

Applicant has not presented sufficient evidence to show that nonsigning inventors Qi Li, Katherine Salas, Anayo Ukeje and Ramesh Yanamandra were presented with and received a complete copy of the application papers including a declaration and that they refuse to sign or were unavailable to sign the application papers. In light of the above, Item (2) and (4) above are not yet satisfied and thus, it is inappropriate to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

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

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02 MAY 2008

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WESTFIELD NJ 07090

In re Application of	:	
GOLLER, et al.	:	DECISION ON PETITION
Serial No.: 10/578,233	:	
PCT No.: PCT/US04/36477	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 03 November 2004	:	
Priority Date: 03 November 2003	:	
Atty Docket No.: TEVBNP 3.3-167	:	
For: SOFT STEROID COMPOSITIONS FOR USE IN DRY POWDER INHALERS	:	

This decision is in response to applicant's "Renewed Petition under 37 CFR 1. 47(a)" filed 04 March 2008 to accept the application without the signatures of joint inventors, Qi Li, Katherine Salas, Anayo Ukeje and Ramesh Yanamandra. Applicant requests a four month extension of time, which is granted.

BACKGROUND

On 13 June 2007, applicant filed a petition under 37 CFR 1.47(a) to accept the application without the signatures of joint inventors Qi Li, Katherine Salas, Anayo Michael Ukeje and Ramesh Yanamandra.

On 30 August 2007, a decision was mailed dismissing the petition and indicating that Petitioner had failed to provide factual proof that the nonsigning joint inventors refused to execute the application or could not be reached after diligent effort.

On 04 March 2008, Petitioner filed a renewed petition.

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 nonsigning joint 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, 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) above were previously satisfied.

Petitioner has now provided a multi-page declaration executed by previously nonsigning inventors Qi Li, Katherine Salas and Anayo Michael Ukeje. Thus, the petition under 37 CFR 1.47(a) is now moot with regard to these inventors. However, the declaration, as filed, is unacceptable. The declaration is a four page declaration but is comprised of eight pages: one Page 1, and two Page 2s, three Page 3s and two Page 4s. The pages are executed by different inventors. The declaration appears to be a composite declaration created from the combination of separately executed declarations. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. Thus, the declaration is not properly executed. While it is acceptable for applicants to execute separate copies of the declaration, *the entire declaration, as executed by the inventor, must be submitted.* "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." *See* MPEP 201.03. The declaration is unacceptable as filed as the requirements of 37 CFR 1.497 (a) and (b) have not been met.

In support of the petition under 37 CFR 1.47(a), petitioner submits the affidavit of Payam Moradian, an associate attorney with Kenyon & Kenyon, who states that an internet search yielded an address for a Ramesh Yanamandra. Mr. Moradian states that he sent emails to the joint inventors, asking for contact information for Ramesh Yanamandra. No further information regarding Mr. Yanamandra was forthcoming.

Petitioner also submits the affidavit of Samantha Claire Radley, Patent Administrator for Norton Healthcare Limited (assignee) regarding the nonsigning inventors' refusal or unavailability to sign the application papers. Ms. Radley states that on 25 February 2008, she sent a letter accompanied by a copy of the PCT application, a Declaration and an Assignment to Ramesh Yanamandra at his last known address as listed on the published international application and the internet address located by Mr. Moradian. Ms. Radley explained that she sent the documents using overnight mail. She states that as of 28 February 2008, the delivery service made an unsuccessful attempt to deliver the documents . A message card was left at the address for the addressee indicating that a package was being held for Mr. Yanamandra. The instant petition was filed five days later. This may not be sufficient time to secure delivery and is not adequate time for the nonsigning inventor to respond.

The postal receipts presented as evidence did not demonstrate that the inventor was presented with the application papers. It is unclear that delivery ever occurred as the tracking statement only indicates that a message was left regarding arranging for the documents delivery. The nonsigning inventor's silence cannot be construed as a refusal in the immediate circumstances as it is unclear whether he received a complete copy of the application papers.[1]

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[1] In cases where it is argued that the non-action of an inventor should be considered a refusal to cooperate, it is especially important to provide proof of delivery of the papers, as well as, a firsthand statement of the

Thus, there is insufficient documentary evidence at this time to conclude that a complete copy of the application papers was presented to the nonsigning inventor and that he refuses to sign the application. Petitioner must provide the nonsigning inventor with a complete copy of the application papers before a petition under 37 CFR 1.47(a) can be granted.

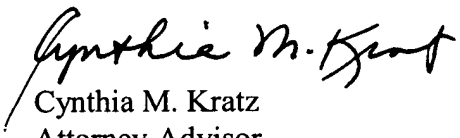
Applicant has not presented sufficient evidence at this time to show that nonsigning inventor Ramesh Yanamandra was presented with and received a complete copy of the application papers including a declaration and that he refuses to sign or was unavailable to sign the application papers. In light of the above, Item (2) and (4) above are not yet satisfied and thus, it is inappropriate to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

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



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preparation and mailing of the papers. See Section 409.03(d) of the MPEP, Proof of Unavailability or Refusal.

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WESTFIELD NJ 07090

In re Application of	:	
GOLLER, et al.	:	DECISION ON SUPPLEMENTAL
Serial No.: 10/578,233	:	
PCT No.: PCT/US04/36477	:	RENEWED PETITION
Int. Filing Date: 03 November 2004	:	
Priority Date: 03 November 2003	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: TEVBNP 3.3-167	:	
For: SOFT STEROID COMPOSITIONS FOR USE IN DRY POWDER INHALERS	:	

This decision is in response to applicant's "Supplemental Renewed Petition under 37 CFR 1. 47(a)" filed 05 May 2008 to accept the application without the signature of inventor Ramesh Yanamandra.

BACKGROUND

On 13 June 2007, applicant filed a petition under 37 CFR 1.47(a) to accept the application without the signatures of joint inventors Qi Li, Katherine Salas, Anayo Michael Ukeje and Ramesh Yanamandra. On 30 August 2007, a decision was mailed dismissing the petition and indicating that Petitioner had failed to provide factual proof that the nonsigning joint inventors refused to execute the application or could not be reached after diligent effort.

On 04 March 2008, Petitioner filed a renewed petition. On 02 May 2008, a decision was mailed dismissing the petition as moot with regard to previous non-signing inventors Qi Li, Katherine Salas and Anayo Michael Ukeje and dismissing the petition without prejudice with regard to inventor Ramesh Yanamandra. The decision indicated that Petitioner had failed to: (1) provide complete declarations signed by the previously non-signing inventors and (2) demonstrate that inventor Ramesh Yanamandra refused to sign the application.

DISCUSSION

This decision considers the supplemental renewed petition under 37 CFR 1.47(a).[1] The

[1] 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 nonsigning joint 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, and (4) an oath or declaration by each 37

supplemental petition solely presents the declaration of Samantha Radley Patent Administrator for Norton Healthcare Limited (assignee) regarding the nonsigning inventor's refusal or unavailability to sign the application papers. Ms. Radley states that two packages were sent to the last known address for Ramesh Yanamandra and were returned to her by the Post Office with the indication that "no one called to collect them". A copy of the envelope marked undeliverable by the Post Office accompanied Ms. Radley's statement. In earlier petitions, Petitioner provided evidence of his attempts to contact the co-inventors in order to obtain contact information for the non-signing inventor Yanamandra to no avail. Petitioner conducted Internet searches to locate the non-signing inventor as well as attempted to contact him via several email addresses and two postal mailing addresses. Petitioner has now demonstrated that *bona fide* attempts were made to present the non-signing inventor with the application papers, which were unsuccessful. The actions taken by petitioner are sufficient to demonstrate that a *bona fide* attempt was made to present a copy of the application papers for U.S. application 10/578,233 (specification, including claims, drawings, and declaration) to the nonsigning inventor for his signature and that Mr. Yanamandra refuses or is unavailable to sign the application papers.

However, with regard to the required declaration (Item 4), applicant did not provide complete declarations of the joint inventors. As explained in the decision mailed on 02 May 2008[2], the multi-page declaration executed by previously nonsigning inventors Qi Li, Katherine Salas and Anayo Michael Ukeje is unacceptable as filed. The requirements of 37 CFR 1.497 (a) and (b) have not been met. This requirement is still outstanding.

In light of the above, Item (4) above is not yet satisfied and thus, it is inappropriate to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop

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CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

[2] "The declaration, as filed, is unacceptable. The declaration is a four page declaration but is comprised of eight pages: one Page 1, and two Page 2s, three Page 3s and two Page 4s. The pages are executed by different inventors. The declaration appears to be a composite declaration created from the combination of separately executed declarations. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. Thus, the declaration is not properly executed. While it is acceptable for applicants to execute separate copies of the declaration, *the entire declaration, as executed by the inventor, must be submitted.* "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." *See* MPEP 201.03. The declaration is unacceptable as filed as the requirements of 37 CFR 1.497 (a) and (b) have not been met."

PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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WESTFIELD NJ 07090

In re Application of	:	
GOLLER, et al.	:	DECISION ON
Serial No.: 10/578,233	:	
PCT No.: PCT/US04/36477	:	RENEWED PETITION
Int. Filing Date: 03 November 2004	:	
Priority Date: 03 November 2003	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: TEVBNP 3.3-167	:	
For: SOFT STEROID COMPOSITIONS FOR USE IN DRY POWDER INHALERS	:	

This decision is in response to applicant's "Renewed Petition under 37 CFR 1. 47(a)" filed 08 September 2008 to accept the application without the signature of inventor Ramesh Yanamandra.

BACKGROUND

On 13 June 2007, applicant filed a petition under 37 CFR 1.47(a) to accept the application without the signatures of joint inventors Qi Li, Katherine Salas, Anayo Michael Ukeje and Ramesh Yanamandra. On 30 August 2007, a decision was mailed dismissing the petition and indicating that Petitioner had failed to provide factual proof that the nonsigning joint inventors refused to execute the application or could not be reached after diligent effort.

On 04 March 2008, Petitioner filed a renewed petition. On 02 May 2008, a decision was mailed dismissing the petition as moot with regard to previous non-signing inventors Qi Li, Katherine Salas and Anayo Michael Ukeje and dismissing the petition without prejudice with regard to inventor Ramesh Yanamandra.

On 05 May 2008, applicant filed a renewed petition, which was dismissed by a decision mailed 03 July 2008 indicating applicant had failed to provide complete declarations of the joint inventors.

On 08 September 2008, applicant filed the instant renewed petition under 37 CFR 1.47(a) along with a complete declaration.

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), (2) and (3). With regard to Item (4) above, the 37 CFR 1.47(a) applicant submitted a declaration signed by some of the joint inventors on behalf of themselves and the nonsigning joint inventor Ramesh Yanamandra. However, the declaration, submitted on 08 September 2008, was not executed by another of the joint inventors, Mohammed Nurui Momlin. Such declaration is necessary for compliance with the requirements of 37 CFR 1.497(a) and (b). As explained in the decisions mailed on 02 May and 03 July 2008[1], the multi-page declaration, executed by Mr. Momlin, was unacceptable as filed.

Petitioner has not 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

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

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

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[1] "The declaration, as filed, is unacceptable. The declaration is a four page declaration but is comprised of eight pages: one Page 1, and two Page 2s, three Page 3s and two Page 4s. The pages are executed by different inventors. The declaration appears to be a composite declaration created from the combination of separately executed declarations. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. Thus, the declaration is not properly executed. While it is acceptable for applicants to execute separate copies of the declaration, *the entire declaration, as executed by the inventor, must be submitted.* "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." *See* MPEP 201.03. The declaration is unacceptable as filed as the requirements of 37 CFR 1.497 (a) and (b) have not been met."

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30 MAR 2009

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KENYON & KENYON LLP
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NEW YORK, NY 10004

In re Application of	:	
GOLLER, et al.	:	DECISION ON
Serial No.: 10/578,233	:	
PCT No.: PCT/US04/36477	:	RENEWED PETITION
Int. Filing Date: 03 November 2004	:	
Priority Date: 03 November 2003	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: TEVBNP 3.3-167	:	
For: SOFT STEROID COMPOSITIONS FOR USE IN DRY POWDER INHALERS	:	

This decision is in response to applicant's "Renewed Petition under 37 CFR 1. 47(a)" filed 30 January 2009 to accept the application without the signature of inventor Ramesh Yanamandra.

BACKGROUND

On 13 June 2007, applicant filed a petition under 37 CFR 1.47(a) to accept the application without the signatures of joint inventors Qi Li, Katherine Salas, Anayo Michael Ukeje and Ramesh Yanamandra. On 30 August 2007, a decision was mailed dismissing the petition and indicating that Petitioner had failed to provide factual proof that the nonsigning joint inventors refused to execute the application or could not be reached after diligent effort.

On 04 March 2008, Petitioner filed a renewed petition. On 02 May 2008, a decision was mailed dismissing the petition as moot with regard to previous non-signing inventors Qi Li, Katherine Salas and Anayo Michael Ukeje and dismissing the petition without prejudice with regard to inventor Ramesh Yanamandra.

On 05 May 2008, applicant filed a renewed petition, which was dismissed by a decision mailed 03 July 2008 indicating applicant had failed to provide complete declarations of the joint inventors.

On 08 September 2008, applicant filed a renewed petition under 37 CFR 1.47(a) along with a declaration. However, the declaration was not acceptable as it was not signed by inventor Mohammed Nurul Momin. A decision on the renewed petition was mailed indicating that such declaration, in compliance with 37 CFR 1.497(a) and (b) was necessary. On 30 January 2009, a renewed petition was filed along with an executed declaration.

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), (2) and (3).

With regard to Item (4) above, the 37 CFR 1.47(a) applicant has now submitted a declaration signed by the joint inventors on behalf of themselves and the nonsigning joint inventor. The declaration, submitted on 30 January 2009, as executed by the joint inventors, provides the residence, address and citizenship of the inventors and meets the requirements of 37 CFR 1.497(a) and (b).

Petitioner has 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

For the above reasons, the petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 30 January 2009. The application has an international filing date of 03 November 2004 under 35 U.S.C. 363, and a date of 30 January 2009 under 35 U.S.C. 371(c).

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

Cynthia M. Kratz
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3286
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

30 MAR 2009

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RAMESH YANAMANDRA
34 DEVON DRIVE
CHANDLER'S FORD
EASTLEIGH
HAMPSHIRE SO533GN
GREAT BRITAIN

In re Application of
GOLLER, et al.
Serial No.: 10/578,233
PCT No.: PCT/US04/36477
Int. Filing Date: 03 November 2004
Priority Date: 03 November 2003
Atty Docket No.: TEVBNP 3.3-167
For: SOFT STEROID COMPOSITIONS FOR USE IN DRY POWDER INHALERS

DECISION ON SUPPLEMENTAL

RENEWED PETITION

UNDER 37 CFR 1.47(a)

Dear Mr. Yanamandra:

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
Facsimile: (571) 273-0459

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

10 NOV 2008

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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

In re Application of	:	
VAN NOTEN et al.	:	
Application No.: 10/578,239	:	DECISION
PCT No.: PCT/GB2004/004528	:	
Int. Filing Date: 27 October 2004	:	
Priority Date: 04 November 2003	:	
Attorney Docket No.: TYR-P0007	:	
For: DEVICE FOR INSTALLING AN OPTICAL FIBRE IN A SPLICE CONNECTOR	:	

This decision is in response to applicants' "PETITION TO WITHDRAW HOLDING OF ABANDONMENT (37 CFR 1.181(a))" filed in the United States Patent and Trademark Office (USPTO) on 08 September 2008. No petition fee is required.

BACKGROUND

On 27 October 2004, applicants filed international application PCT/GB2004/004528, which designated the United States and claimed a priority date of 04 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 May 2006.

On 04 May 2006, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a copy of a declaration of inventors filed in international application PCT/GB2004/004528.

On 19 December 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 10 January 2007, applicants filed a response which included a second copy of the declaration of inventors filed 04 May 2006.

On 10 August 2007, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the copy of the declaration of inventors filed 10 January 2007 was not in compliance with 37 CFR 1.497(a)-(b) because it did not identify the application to which it was directed.

On 14 July 2008, 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 the NOTIFICATION OF MISSING REQUIREMENTS mailed 19 December 2006.

On 08 September 2008, applicants filed the instant petition under 37 CFR 1.181. The petition was accompanied by, *inter alia*, a copy of a declaration of inventors and a USPTO date-stamped postcard receipt.

DISCUSSION

Applicants have provided sufficient evidence to establish that on 11 September 2007 applicants filed a declaration of inventors. The proof is in the form of the copy of the receipt for the above-identified application which bears a USPTO date stamp of 11 September 2007 and which itemizes "Newly executed Declarations (4 pages)" and identifies the above-captioned title and attorney docket number. Further, practitioner states that the copy of the declaration filed 08 September 2008 is a copy of the declaration originally filed 11 September 2007. Therefore, in view of the date-stamped receipt and practitioner's statement, the declaration received on 08 September 2008 may properly be accepted as originally received in the USPTO on 11 September 2007. The NOTIFICATION OF ABANDONMENT mailed 14 July 2008 is hereby vacated.

The declaration filed 11 September 2007 is an improper declaration. It appears to consist of three page 1's with each page 1 listing separate inventors. Each declaration must list, *inter alia*, each inventor. See 37 CFR 1.497(a)-(b). Additionally, each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. Multiple complete declarations may be submitted, but it is not permissible to combine pages of separate documents.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTIFICATION OF ABANDONMENT mailed 14 July 2008 is **VACATED**.

Applicants are required to file a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) within a time limit of **ONE MONTH** from the date of this decision. No extension of this time limit may be granted under 37 CFR 1.136.

Failure to timely file a proper reply will result in abandonment of the application.

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

/Daniel Stemmer/

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

0 9 FEB 2009

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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

In re Application of	:	
VAN NOTEN et al.	:	
Application No.: 10/578,239	:	DECISION
PCT No.: PCT/GB2004/004528	:	
Int. Filing Date: 27 October 2004	:	
Priority Date: 04 November 2003	:	
Attorney Docket No.: TYR-P0007	:	
For: DEVICE FOR INSTALLING AN OPTICAL FIBRE IN A SPLICE CONNECTOR	:	

This decision is in response to applicants' submissions filed in the United States Patent and Trademark Office (USPTO) on 10 December 2008 and 08 January 2009.

BACKGROUND

On 27 October 2004, applicants filed international application PCT/GB2004/004528, which designated the United States and claimed a priority date of 04 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 May 2006.

On 04 May 2006, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a copy of a declaration of inventors filed in international application PCT/GB2004/004528.

On 19 December 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 10 January 2007, applicants filed a response which included a second copy of the declaration of inventors filed 04 May 2006.

On 10 August 2007, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the copy of the declaration of inventors filed 10 January 2007 was not in compliance with 37 CFR 1.497(a)-(b) because it did not identify the application to which it was directed.

On 14 July 2008, 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 the NOTIFICATION OF MISSING REQUIREMENTS mailed 19 December 2006.

On 08 September 2008, applicants filed a petition under 37 CFR 1.181. The petition was accompanied by, *inter alia*, a copy of a declaration of inventors and a USPTO date-stamped postcard receipt.

On 10 November 2008, a decision was mailed granting applicants' petition under 37 CFR 1.181 and vacating the NOTIFICATION OF ABANDONMENT mailed 14 July 208. The decision also indicated that the declaration of inventors filed 11 September 2008 was improper and that a new declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required. The decision set a one-month non-extendable time period.

On 10 December 2008, applicants filed a submission including two declarations of inventors and a petition under 37 CFR 1.47(b), which has been properly treated as a petition under 37 CFR 1.47(a), for non-signing inventor Jan Muller.

On 08 January 2009, applicants filed a submission including a declaration of inventors signed by previously non-signing inventor Jan Muller.

DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the 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 December 2008 and 08 January 2009 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
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PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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12 FEB 2009

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of :
Gilles :
Application No. 10/578,256 :
PCT No.: PCT/IB2005/050799 :
Int. Filing Date: 03 March 2005 : DECISION
Priority Date: 03 March 2004 :
Att. Docket No.: GILLES2 :
For: Sanding Element :

This is in response to the correspondence filed on 15 October 2008.

BACKGROUND

International application PCT/IB2005/050799 was filed on 03 March 2005, claimed an earlier priority date of 03 March 2004, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 22 September 2005. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 03 September 2006. On 04 May 2006,applicants paid the basic national fee.

On 15 August 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 24 December 2008, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "05/04/2006" were mailed to applicant.

DISCUSSION

Counsel observes that a declaration under PCT Rule 4.17(iv) was filed during the international phase, and urges that said declaration satisfies 35 U.S.C. 371(c)(4). Review of the record reveals that an executed declaration under Rule 4.17(iv), identifying the international application to which it was directed, was filed during the international phase. Inspection of this declaration reveals that it is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b), and 35 U.S.C. 371(c)(4). Accordingly, the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 15 August 2008 is hereby **VACATED**.

DECISION

The declaration is **ACCEPTED**, for the reasons described above.

This application is being returned to Technology Center 3723. Its date under 35 U.S.C. 371(c)(1), (2) and (4) remains **04 May 2006**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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NATH & ASSOCIATES
112 SOUTH WEST STREET
ALEXANDRIA VA 22314

In re Application of	:
Noriaki Tanaka et al	:
Serial No.: 10/578,260	: PETITION DECISION
Filed: May 4, 2006	:
Attorney Docket No.: 27385U	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed May 4, 2006. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee under 37 CFR 1.17(h).

A review of the application record indicates that the petition meets all of the requirements for acceptance of color drawings. This is not to be construed that all of the drawings are accepted, only that the color drawings are acceptable.

The petition is **GRANTED**.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile transmission at 571-273-8300.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-7-08

TO SPE OF : ART UNIT 3682

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/578288 Patent No.: 7370554

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

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

should case be approved

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

Ennis Woods
Certificates of Correction Branch
703-308-9390 ext. 117

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER

SPE

3656
Art Unit

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30 APR 2008

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of
CHERKASOV et al.
Serial No.: 10/578,313
PCT App. No.: PCT/EP04/12556
Int'l Filing Date: 05 November 2004
Priority Date: 05 November 2003
Attorney Docket No.: 076030-0011
For: MACROMOLECULAR NUCLEOTIDE COMPOUNDS AND METHODS FOR USING THE SAME

DECISION ON

PETITION UNDER

37 CFR 1.181

This is a decision on applicant's Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181(a) filed in the US Patent and Trademark Office on 21 February 2008. No petition fee is required.

BACKGROUND

On 04 May 2006 applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 18 January 2007, the Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an English translation of the international application was required . The notification set a TWO (2) MONTH period for response.

On 18 July 2007, applicant filed a response along with an English translation of the part of the international application.

On 09 October 2007, a Notice of Acceptance was erroneously mailed indicating that applicant had met the requirements of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) on 18 July 2007.

On 25 January 2008, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating, that the application went abandoned for failure to respond to the Notification of Missing Requirements mailed 18 January 2007.

On 21 February 2008, applicant filed the present petition requesting that the Office withdraw the holding of abandonment as the applicant had timely replied to the Notification of Missing Requirements.

DISCUSSION

A review of the application file reveals that an English translation of the international application was incomplete. While the description of the international application was provided,

an English translation of Claims 1-68 is not found among the papers filed on 18 July 2007 in response to the Notification of Missing Requirements. The Notification of Abandonment erroneously indicated that applicant had failed to respond to the 905 within the time period set forth therein and is hereby VACATED. Rather, an incomplete response to the Notification of Missing Requirements was submitted.

A Notification of Defective Response (Form PCT/DO/EO/917) will be issued indicating that a complete English translation of the international application, including all claims, is required.

CONCLUSION

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

The 25 January 2008 Notification of Abandonment (Form PCT/DO/EO/909) is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Defective Response indicating that a complete English translation of the PCT/EP04/12556 is required.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

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

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

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OCT 23 2008

OFFICE OF PETITIONS

In re Application of :
TANAKA, et al. :
Application No. 10/578,314 : DECISION GRANTING PETITION
Filed: May 4, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P29850 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 22, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

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

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

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

This application is being referred to Technology Center AU 2188 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

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United States Patent and Trademark Office
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Martin Watzl	: DECISION ON REQUEST FOR
Patent Number	: 7593791	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,342	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **605** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Nath & Associates
112 South West Street
Alexandria, VA 22314

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MAY 19 2008

In re Application of	:	
Robert C. Leif et al.	:	
Application No. 10/578,355	:	DECISION ON PETITION
Filed: June 12, 2006	:	TO WITHDRAW
Attorney Docket No. 90274U	:	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 8, 2007.

The request is **NOT APPROVED**.

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

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

A courtesy copy will be mailed to the applicant.

If persons noted on the request to withdraw desire to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

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 Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Robert C. Leif
5648 Toyon Road
San Diego, CA 92115

cc: Kimsey Patent Services
804 Shamrock Avenue
Boonville, MO 65233

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THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

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JAN 13 2010

In re Application of :
Robert C. Leif et al. :
Application No. 10/578,355 : DECISION ON PETITION
Filed: June 12, 2006 : TO WITHDRAW
Attorney Docket No. 90274U : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 3, 2009.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address does not include a proper power of attorney nor is the address that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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WOODCOCK WASHBURN, LLP
CIRA CENTRE
2929 ARCH STREET, 12TH FLOOR
PHILADELPHIA, PA 19104-2891

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MAR 31 2008

In re Application of	:	
LAWSON, et al.	:	
Application No. 10/578,384	:	DECISION ON PETITION
Filed: January 16, 2007	:	TO WITHDRAW
Attorney Docket No. **CELL-0315**	:	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 10, 2007.

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

A review of the file record indicates that the power of attorney to **WOODCOCK WASHBURN, LLP** has been revoked by the applicant of the patent application on December 6, 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: **MCDONNELL BOEHNEN HULBERT & BERGHOFF, LLP**
300 S. WACKER DRIVE, 32ND FLOOR
CHICAGO, IL 60606

19 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.g

John Wiley Horton
Pennington, Moore, Wilkinson, Bell & Dunbar
215 S. Monroe St.
Tallahassee FL 32301

In re Application of:	:	
McBride, Paul, Henry	:	DECISION ON PETITION
U.S. Application No.: 10/578,404	:	UNDER 37 CFR 1.137(b)
Int'l Application No: PCT/GB2004/016467	:	
Int'l Filing Date: 11 August 2004	:	
Priority Date: 11 August 2003	:	
Attorney Docket No.: None	:	
For: DEVICE FOR COVERING THE EYES	:	

The petition to revive under 37 CFR 1.137(b) filed 18 April 2006 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" satisfies the requirement of 37 CFR 1.137(b)(3).

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

This application is being returned to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including mailing a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, as well as the examination fee.

Richard M. Ross
Attorney Advisor
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

IMMUNEX CORPORATION
LAW DEPARTMENT
1201 AMGEN COURT WEST
SEATTLE WA 98119

MAILED

NOV 1 3 2009

OFFICE OF PETITIONS

In re Application of :
Paul J. Carter, et al. :
Application No. 10/578,410 : DECISION ON PETITION
Filed: March 5, 2007 :
Attorney Docket No. 3492-US-PCT :

This is a decision on the petition, filed July 31, 2009, 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 as MOOT**.

Petitioner asserts that the Notice dated May 1, 2009 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice of Allowance (Notice), and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

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

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy all of the above-stated requirements. Further the petitioner has submitted the reply to the Notice of Allowance and Fees Due in a timely manner. A courtesy copy of the Notice of Allowance and Issue Fee(s) Due is being mailed to the applicant.

Since the $400 petition fee submitted with the petition on July 31, 2009 is deemed unnecessary, this fee will be credited to petitioner's deposit account.

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 April M. Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

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

/dab/
David Bucci
Petitions Examiner
Office of Petitions

Attachments: courtesy copy of Notice of Allowance and Fee(s) Due previously mailed May 1, 2009.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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NOTICE OF ALLOWANCE AND FEE(S) DUE

22932 7590 05/01/2009

IMMUNEX CORPORATION
LAW DEPARTMENT
1201 AMGEN COURT WEST
SEATTLE, WA 98119

EXAMINER	
SKELDING, ZACHARY S	
ART UNIT	PAPER NUMBER
1644	

DATE MAILED: 05/01/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,410	03/05/2007	Paul J. Carter	3492-US-PCT	7900

TITLE OF INVENTION: ANTIBODIES THAT BIND INTERLEUKIN-4 RECEPTOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	08/03/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22932 7590 05/01/2009

IMMUNEX CORPORATION
LAW DEPARTMENT
1201 AMGEN COURT WEST
SEATTLE, WA 98119

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,410	03/05/2007	Paul J. Carter	3492-US-PCT	7900

TITLE OF INVENTION: ANTIBODIES THAT BIND INTERLEUKIN-4 RECEPTOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	08/03/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
SKELDING, ZACHARY S	1644	530-388150

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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.

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,410	03/05/2007	Paul J. Carter	3492-US-PCT	7900

22932 7590 05/01/2009

IMMUNEX CORPORATION
LAW DEPARTMENT
1201 AMGEN COURT WEST
SEATTLE, WA 98119

EXAMINER	
SKELDING, ZACHARY S	
ART UNIT	PAPER NUMBER
1644	

DATE MAILED: 05/01/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 211 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 211 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

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Alexandria, VA 22313-1450
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JUN 2 1 2010

OFFICE OF PETITIONS

IMMUNEX CORPORATION
LAW DEPARTMENT
1201 AMGEN COURT WEST
SEATTLE WA 98119

In re Patent No. 7,638,606
Issued: December 29, 2009
Application No. 10/578,410
Filed: March 5, 2007
Attorney Docket No. 3492-US-PCT

: DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed on February 26, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 240 days to 446 days. The petition filed July 30, 2009 is acknowledged and in view of the issuance of the patent, the Office will consider the PTA request of February 26, 2010 and not the petition filed July 30, 2009.

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 four hundred forty-six (446) days is **GRANTED**.

The calculation of delay pursuant to 37 CFR 1.702(b) is based on a national stage commencement date of May 8, 2006. May 6, 2006 was a Saturday, therefore commencement occurs on the next business day. Accordingly, the "B" delay period, the over three year period begins on May 8, 2006, the date the national stage commenced under 35 U.S.C. 371(f), and ends on December 29, 2009, the day the patent issued and is 235 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 **four hundred forty-six (446)** 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 : 7,638,606 B2

DATED : December 29, 2009

INVENTOR(S) : Paul J. Carter

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 (240) days

Delete the phrase "by 240 days" and insert – by 446 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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28 AUG 2006

DAVIS LAW GROUP, P.C.
9020 N. Capital of Texas Hwy.
Building 1, Suite 375
Austin, TX 78759

In re Application of :
BUSEY :
Application No.: 10/578,411 :
Filing Date: 05 May 2006 :
Attorney Docket No.: 1002.10 :
For: METHOD, SYSTEM, AND COMPUTER : **DECISION**
PROGRAM PRODUCT FOR SAVING :
A SEARCH RESULT WITHIN A :
GLOBAL COMPUTER NETWORK :

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. § 371.

BACKGROUND

On 18 April 2005, applicant filed international application PCT/US2005/013068 claiming priority to five (5) U.S. provisional patent applications filed 20 April 2004.

On 05 May 2006, applicant filed five (5) transmittal letters for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee. The files were assigned U.S. serial numbers 10/578,415; 10/578,606; 10/578,411, 10/578,417 and 10/578,416.

On 07 August 2006, applicant submitted a petition under 37 CFR 1.182 requesting that the above-captioned application be processed as a continuation of the U.S. National Phase application based on PCT/US2005/013068. Applicant also submitted a Supplemental Application Data Sheet.

DISCUSSION

As is evident from the above recited facts, five (5) sets of papers to enter the national stage under 35 U.S.C. 371 were submitted for international application number PCT/US2005/013068. The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of five (5) sets of national stage papers to enter the United States was improper.

U.S. application number 10/578,415 (attorney docket number 1002.14) has been designated as the national stage filing of PCT/US2005/013068. Therefore, applicant requests to convert the subject application (U.S. application No. 10/578,411) to a filing under 35 U.S.C. § 111(a) which is to be treated as a continuation of the international application, PCT/US2005/013068.

A review of the papers filed 05 May 2006 reveals that a description, drawings and claims were submitted. This is sufficient to meet the requirements of a filing under 35 U.S.C. 111(a). The Supplemental Application Data Sheet indicates that the above-captioned application is a Continuation of PCT/US2005/013068. The $400.00 petition fee has been charged from Deposit Account No. 50-3524 as authorized.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is hereby **GRANTED**.

This above-identified application is accepted as filed under 35 U.S.C. 111(a) and is a Continuation of PCT/US2005/013068 filed 18 April 2005 claiming the benefit of five (5) U.S. provisional applications filed 20 April 2004.

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for further processing under 35 U.S.C. 111(a) with a filing date of 05 May 2006. OIPE should ensure that the proper fees are charged.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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28 AUG 2006

DAVIS LAW GROUP, P.C.
9020 N. Capital of Texas Hwy.
Building 1, Suite 375
Austin, TX 78759

In re Application of :
BUSEY :
Application No.: 10/578,416 :
Filing Date: 05 May 2006 :
Attorney Docket No.: 1002.11 :
For: METHOD, SYSTEM, AND COMPUTER PROGRAM PRODUCT FOR SHARING INFORMATION WITHIN A GLOBAL COMPUTER NETWORK : **DECISION**

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. § 371.

BACKGROUND

On 18 April 2005, applicant filed international application PCT/US2005/013068 claiming priority to five (5) U.S. provisional patent applications filed 20 April 2004.

On 05 May 2006, applicant filed five (5) transmittal letters for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee. The files were assigned U.S. serial numbers 10/578,415; 10/578,606; 10/578,411, 10/578,417 and 10/578,416.

On 07 August 2006, applicant submitted a petition under 37 CFR 1.182 requesting that the above-captioned application be processed as a continuation of the U.S. National Phase application based on PCT/US2005/013068. Applicant also submitted a Supplemental Application Data Sheet.

DISCUSSION

As is evident from the above recited facts, five (5) sets of papers to enter the national stage under 35 U.S.C. 371 were submitted for international application number PCT/US2005/013068. The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of five (5) sets of national stage papers to enter the United States was improper.

U.S. application number 10/578,415 (attorney docket number 1002.14) has been designated as the national stage filing of PCT/US2005/013068. Therefore, applicant requests to convert the subject application (U.S. application No. 10/578,416) to a filing under 35 U.S.C. § 111(a) which is to be treated as a continuation of the international application, PCT/US2005/013068.

A review of the papers filed 05 May 2006 reveals that a description, drawings and claims were submitted. This is sufficient to meet the requirements of a filing under 35 U.S.C. 111(a). The Supplemental Application Data Sheet indicates that the above-captioned application is a Continuation of PCT/US2005/013068. The $400.00 petition fee has been charged from Deposit Account No. 50-3524 as authorized.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is hereby **GRANTED**.

This above-identified application is accepted as filed under 35 U.S.C. 111(a) and is a Continuation of PCT/US2005/013068 filed 18 April 2005 claiming the benefit of five (5) U.S. provisional applications filed 20 April 2004.

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for further processing under 35 U.S.C. 111(a) with a filing date of 05 May 2006. OIPE should ensure that the proper fees are charged.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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28 AUG 2006

DAVIS LAW GROUP, P.C.
9020 N. Capital of Texas Hwy.
Building 1, Suite 375
Austin, TX 78759

In re Application of :
BUSEY :
Application No.: 10/578,417 :
Filing Date: 05 May 2006 :
Attorney Docket No.: 1002.13 :
For: METHOD, SYSTEM, AND COMPUTER PROGRAM PRODUCT FOR TRANSLATING INFORMATION FOR COMPATIBILITY WITH AN INFORMATION HANDLING SYSTEM : **DECISION**

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. § 371.

BACKGROUND

On 18 April 2005, applicant filed international application PCT/US2005/013068 claiming priority to five (5) U.S. provisional patent applications filed 20 April 2004.

On 05 May 2006, applicant filed five (5) transmittal letters for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee. The files were assigned U.S. serial numbers 10/578,415; 10/578,606; 10/578,411, 10/578,417 and 10/578,416.

On 07 August 2006, applicant submitted a petition under 37 CFR 1.182 requesting that the above-captioned application be processed as a continuation of the U.S. National Phase application based on PCT/US2005/013068. Applicant also submitted a Supplemental Application Data Sheet.

DISCUSSION

As is evident from the above recited facts, five (5) sets of papers to enter the national stage under 35 U.S.C. 371 were submitted for international application number PCT/US2005/013068. The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of five (5) sets of national stage papers to enter the United States was improper.

U.S. application number 10/578,415 (attorney docket number 1002.14) has been designated as the national stage filing of PCT/US2005/013068. Therefore, applicant requests to convert the subject application (U.S. application No. 10/578,417) to a filing under 35 U.S.C. § 111(a) which is to be treated as a continuation of the international application, PCT/US2005/013068.

A review of the papers filed 05 May 2006 reveals that a description, drawings and claims were submitted. This is sufficient to meet the requirements of a filing under 35 U.S.C. 111(a). The Supplemental Application Data Sheet indicates that the above-captioned application is a Continuation of PCT/US2005/013068. The $400.00 petition fee has been charged from Deposit Account No. 50-3524 as authorized.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is hereby **GRANTED**.

This above-identified application is accepted as filed under 35 U.S.C. 111(a) and is a Continuation of PCT/US2005/013068 filed 18 April 2005 claiming the benefit of five (5) U.S. provisional applications filed 20 April 2004.

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for further processing under 35 U.S.C. 111(a) with a filing date of 05 May 2006. OIPE should ensure that the proper fees are charged.

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
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Wolfgang Barnikol	: DECISION ON REQUEST FOR
Patent Number	: 7598220	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,428	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **452** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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120 EAST BALTIMORE STREET
SUITE 800
BALTIMORE, MARYLAND 21202-1643

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APR 0 6 2009

OFFICE OF PETITIONS

Applicant: Dykes, et al.
Appl. No.: 10/578,453
International Filing Date: November 5, 2004
Title: DISPOSABLE FLUID SAMPLE COLLECTION DEVICE
Attorney Docket No.: 027027.077100
Pub. No.: US 2008/0025872
Pub. Date: January 31, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 31, 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 application wherein six of the inventors' names have been omitted.

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 instant request filed on July 31, 2008 is not timely filed.

Moreover, the omission of an inventor's name and residence does not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application

[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).

publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On October 22, 2007, a Filing Receipt was mailed by the Office, which improperly listed the inventive entity. To avoid this type of problem in the future, applicant's representative should make request a corrected filing receipt.

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
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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

MAILED

MAY 25 2010

OFFICE OF PETITIONS

In re Patent No. 7,729,975	:	
Issue Date: June 1, 2010	:	
Application No. 10/578,473	:	ON PETITION
Filed: May 8, 2006	:	
Attorney Docket No. 22209-00004-US2	:	

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.**

However, an itemization of the total deficiency payment is required by 37 CFR 1.28(c)(2)(ii). The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (*e.g.*, basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

If the requirements of 37 CFR 1.28(c)(2) are not complied with (i.e. not itemizing the total deficiency ,etc.), such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office.

Petitioner has not provided an itemization of the total deficiency payment of $1,398.00 and therefore petitioner's deposit account has been charged the $130.00 processing fee as set forth in 37 CFR 1.17(i).

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.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

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KENING LI
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C/O FOUNTAIN LAW GROUP, INC
18201 VON KARMAN AVENUE, SUITE 960
IRVINE CA 92612

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AUG 2 8 2009

OFFICE OF PETITIONS

In re Application of
Zhiming Deng
Application No. 10/578,480
Filed: March 5, 2007
Attorney Docket No: **638594-07005**

ON PETITION

This is a decision on the petition filed June 10, 2009 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 January 22, 2009 for failure to timely pay the issue fee on or before January 20, 2009. Accordingly, a Notice of Abandonment was mailed February 12, 2009.

It appears that the Electronic Patent Application Fee Transmittal indicated that the issue fee payment was for a "PLANT APPLICATION" and thus $595 was charged to petitioner's credit card. Since the instant application is a utility application, the difference in the amount, $195.00, has been charged to petitioner's deposit account no. 50-4930 as per the authorization contained in the Issue Fee Transmittal. Therein, the issue fee in the amount of $755.00, petition fee in the amount of $810.00 and publication fee in the amount of $300.00 have been applied.

---

[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)).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Mail Date: 04/21/2010

Applicant	: Indro Francalanci	: DECISION ON REQUEST FOR
Patent Number	: 7640018	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,502	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **465** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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02 MAY 2007

THE BOC GROUP, INC.
575 MOUNTAIN AVENUE
MURRAY HILL, NJ 07974-2064

In re Application of
Tunna et al.
Application No.: 10/578,546
PCT No.: PCT/GB04/04660
Int. Filing Date: 04 November 2004
Priority Date: 10 November 2003
Attorney Docket No.: M04B100
For: Improvements In Dry Pumps

DECISION
ON
PETITION

This is in response to the petition under 37 CFR 1.47(a) filed on 07 March 2007.

BACKGROUND

This international application was filed on 04 November 2004, claimed an earlier priority date of 10 November 2003, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 26 May 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 10 May 2006. Applicants filed *inter alia* the basic national fee on 05 May 2006.

On 04 January 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration compliant with 37 CFR 1.497(a) and (b) and the payment of the surcharge under 37 CFR 1.492(h).

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.

Regarding **requirement (1)**, the $200.00 petition fee was paid on 07 March 2007.

Regarding **requirement (2)**, petitioner urges that the absence on the declaration of the signature of joint inventor Allan McDiarmid be excused because he allegedly "has refused to execute the application. Counsel's attention is respectfully drawn to MPEP 409.03(d), which 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. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition

Review of the petition and accompanying evidentiary documentation establishes that Mr. McDiarmid has refused to execute the application within the meaning of 37 CFR 1.47(a). Therefore, requirement (2) has been satisfied.

Regarding **requirement (3)**, the petition includes a statement of Mr. McDiarmid's last known address. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, the declaration filed on 07 March 2007 is regarded as having been signed by joint inventors Tunna and Tomkins on behalf of themselves and non-signing joint inventor McDiarmid. This declaration is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). As such, requirement (4) has been satisfied.

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **07 March 2007**.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

06 JUN 2006

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ALEXANDRIA, VA 22313-1450
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Jay S. Cinamon
Abelman, Frayne and Schwab
666 Third Avenue
New York, NY 10017-5621

In re Application of MELOSI	:	
U.S. Application No.: 10/578,548	:	
PCT Application No.: PCT/EP04/51207	:	DECISION
Int. Filing Date: 23 June 2004	:	
Priority Date Claimed: 24 June 2003	:	
Attorney Docket No.: 207,581	:	
For: ELECTROCHEMICAL THERMODYNAMO	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 05 May 2006.

BACKGROUND

On 23 June 2004, applicant filed international application PCT/EP04/51207, which claimed priority of an earlier Italy application filed 24 June 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 29 December 2004. The thirty-month period for paying the basic national fee in the United States expired on 24 December 2005.

International application PCT/EP04/51207 became abandoned as to the United States for failure to timely pay the basic national fee.

On 05 May 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

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

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

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

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

CONCLUSION

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

This application is being forwarded to the 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), which should indicate that the declaration filed 05 May 2005 fails to state the citizenship of the inventor as required by 37 CFR 1.497(a)(3).

Bryan Tung
PCT Legal Examiner
PCT Legal Office

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

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DILWORTH PAXSON LLP
1500 MARKET STREET
SUITE 3500 E
PHILADELPHIA PA 19102

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MAR 3 0 2010

OFFICE OF PETITIONS

In re Application of	:	
Brian Ruby	:	
Application No. 10/578,550	:	DECISION ON PETITION
Filed: July 6, 2007	:	
Attorney Docket No. 5688/004	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 16, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 17, 2009. A Notice of Abandonment was mailed November 19, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

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

Additionally, the request for the change in power of attorney has been accepted and the Notice enclosed. Further, the request for change of correspondence address has been accepted.

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

This application is being referred to Technology Center AU 1792 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: Notice of Acceptance of Power of Attorney

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/578,550	07/06/2007	Brian Ruby	5688/004

CONFIRMATION NO. 9472

POA ACCEPTANCE LETTER

27730
DILWORTH PAXSON LLP
1500 Market Street
Suite 3500 E
PHILADELPHIA, PA 19102

OC000000040871643

Date Mailed: 03/30/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/28/2010.

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.

/jolszewski/

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

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CONTINENTAL TEVES, INC.
ONE CONTINENTAL DRIVE
AUBURN HILLLS MI 48326-1581

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APR 3 0 2008

OFFICE OF PETITIONS

In re Application of :
Peter STAUDER et al. :
Application No. 10/578,560 : DECISION ON PETITION
Filed: February 26, 2007 :
Attorney Docket No. **AP 10806** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 19, 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 and file corrected drawings on or before February 14, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed November 14, 2007. Accordingly, the date of abandonment of this application is February 15, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440 and the publication fee of $300 and corrected drawings, (2) the petition fee of $1540; and (3) a proper statement of unintentional delay. Accordingly, the Issue Fee and the Publication Fee and corrected drawings are 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 Publishing Division for processing into a patent.

David Bucci
Petitions Examiner
Office of Petitions

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VOLENTINE FRANCOS, & WHITT PLLC
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11951 FREEDOM DRIVE SUITE 1260
RESTON VA 20190

mailed 1/5/07

In re Application of:
ERIKSEN, ANDRE SLOTH
Serial No.: 10/578,578
Filed: May 5, 2006
Docket: ASE.001
Title: COOLING SYSTEM FOR A COMPUTER SYSTEM

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02 (VIII)

This is a decision on the petition filed on May 5, 2006 to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) and in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

In support of the petition, petitioner provides: 1) the applicable fee; 2) a statement that a search was made with the PCT application and submission of a copy of Nov. 4, 2004 PCT/DK 2004/000775 International Preliminary Report on patentability search report; 3) an IDS; and 4) a detailed discussion of the references.

For accelerated examination under MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d), a showing of the following is required: a) the applicable petition fee; b) all claims are directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, applicant will make an election without traverse; c) a statement that a pre-examination search was made, listing the field of search by class and subclass; d) a copy of each of the references deemed most closely related to the claimed subject matter; and e) a detailed discussion of the references pointing out with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is distinguishable over the references.

The requirements of MPEP § 708.02(VIII)(a) (c) and (d) are considered to have been met. However, the petition does not meet the requirements of MPEP § 708.02(VIII)(b) and (e).

Regarding the requirement of MPEP § 708.02(VIII)(b), it states that all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status. In the petition, this statement was omitted. It is noted that there were only one independent claim and eighteen dependent claims in the case. However, the examiner may determine there could be different species and embodiments involved in the case, which may result in election of species requirement.

Regarding the requirement of MPEP § 708.02(VIII)(e), 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made." The applicant failed to provide any discussion of twelve cited prior art references listed on Form 1449 nor did the applicant point out the particular language that distinguishes the independent claim 70, filed on May 5, 2006, from these references. The applicant's general allegations that the invention is patentable over the references run contrary to 37 CFR § 1.111 (b), which does not allow for general allegations. In the petition, the petitioner only described generally the cited references taken singularly or collectively fail to suggest or disclose a "cooling system" (per claim 70) having the claimed combination of features including a pump... comprising an impeller mechanically integrated with a pump rotor ... [and] submerged in the cooling liquid.... This is insufficient to comply with the requirements of MPEP §708.02 (VIII)(e). In particular, the petitioner failed to provide a comparison between the cited prior art documents with the independent claim 70. The independent claim must be compared with *each* of twelve cited references, and the patentable novelty in the independent claim 70 relative to *each* reference must be clearly pointed out. Because the petition does not point out the specific language in the independent claim 70 that distinguishes over each of twelve references, the petition fails to meet the requirements of MPEP §708.02 (VIII)(e). For example, the applicant failed to explain any specific limitations in claim 70 not shown or taught by the cited patent documents.

While Technology Center Directors may have granted petitions that do not comply with the detailed discussion requirement of the Accelerated Examination procedure, Technology Center Director decisions on petitions are not binding precedent of the Patent Examining Corps, and the application of an improper standard in certain cases does not require the Office to continue to apply the improper standard in all cases. *See* *In re The Boulevard Entertainment, Inc.*, 334 F.3d 1336, 1343, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003).

For the above-mentioned reasons, the petition is dismissed. The application will, therefore, be taken up by the examiner for action in its regular turn.

Any request for reconsideration of this decision must be submitted within 2 (two) months of the date of this decision in order to be considered timely. Any request for reconsideration must provide (a) a statement that all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status; and

(b) a detailed discussion of each of twelve cited references that clearly points out the specific language in the independent claim that distinguishes over the references.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.

Henry C. Yuen, Special Program Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products

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7/30/07

VOLENTINE & WHITT, PLLC
ONE FREEDOM SQUARE,
11951 FREEDOM DRIVE, SUITE 1260
RESTON, VA 20190

In re Application of:
Eriksen, Andre Sloth
Serial No.: 10/578,578
Filed: May 5, 2006
Docket: ASE.001
Title: COOLING SYSTEM FOR A COMPUTER SYSTEM

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02 (VIII)

This is a decision on the petition filed on January 29, 2007 requesting reconsideration of the decision on the previous Petition to Make Special under 37 CFR §1.102 & MPEP § 708.02 (VIII) mailed on January 5, 2007. The petition fee of $130.00 has previously been charged to the Deposit Account provided in the petition.

The petition to make the application special is **GRANTED**.

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

Applicant is advised that the examiner's search will be restricted to the subject matter encompassed by the claims. In the event that the application receives a first action rejection, Applicant is encouraged to arrange for an interview with the examiner, and to provide the examiner with a working copy of any proposed amendment one working day prior to the interview. Any amendment filed in response to a first action rejection that would require broadening the field of search will be treated as an improper response. See MPEP 708.02 (VIII) for a full explanation of the handling of applications after petition grant.

While Technology Center Directors may have granted petitions that do not comply with the detailed discussion requirement of the Accelerated Examination procedure, Technology Center Director decisions on petitions are not binding precedent of the Patent Examining Corps, and the application of an improper standard in certain cases does not require the Office to continue to apply the improper standard in all cases. *See In re The Boulevard Entertainment, Inc.*, 334 F.3d 1336, 1343, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003).

Petition GRANTED

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

27 JUL 2007

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PATTON BOGGS, L.L.P.
2001 ROSS AVENUE, SUITE 3000
DALLAS TX 75201

In re Application of
LUI et al.
U.S. Application No. 10/578,581
PCT No.: PCT/SG04/00366
Int. Filing Date: 06 November 2004
Priority Date: 06 November 2003
Attorney Docket No.: 023949.0104PTUS
For: DOCUMENT IMAGE ENCODING/DECODING

DECISION ON PETITION UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed 19 March 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

This pending nonprovisional application was filed on 06 November 2004, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/517,928, which was filed on 06 November 2003, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a proper amendment (complying with 37 CFR 1.121 or 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

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

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Alexandria, VA 22313-1450

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

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

Any questions concerning this matter may be directed to Anthony Smith at 571-272-3298.

Boris Milef
Legal Examiner
Office of PCT Legal Administration

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27 SEP 2007

PATTON BOGGS, L.L.P.
2001 ROSS AVENUE, SUITE 3000
DALLAS TX 75201

In re Application of
LUI et al.
U.S. Application No. 10/578,581
PCT No.: PCT/SG04/00366
Int. Filing Date: 06 November 2004
Priority Date: 06 November 2003
Attorney Docket No.: 023949.0104PTUS
For: DOCUMENT IMAGE ENCODING/DECODING

DECISION ON PETITION UNDER 37 CFR 1.78(a)(6)

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed 10 August 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed provisional application has

been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(5)(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. § 119(e) to the above-noted, prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), 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)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. 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.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operation for further processing in accordance with this decision, including the processing of applicant's response to the Notification of Missing Requirements filed 19 March 2007 and for updating USPTO records to include the benefit claim to the prior-filed provisional application referred to in the present petition.

Boris Milef
Legal Examiner
Office of PCT Legal Administration

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TWO EMBARCADERO CENTER
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SAN FRANCISCO, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of
Larry Lapanashvili, et. al.
Application No. 10/578,585
Filed: March 2, 2007
Attorney Docket No. 081553-000000US

DECISION ON PETITIONS
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petitions under 37 CFR 1.78(a)(3), filed February 7, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed nonprovisional and PCT applications, as set forth in the concurrently filed Application Data Sheet (ADS).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above; therefore, the petition is **DISMISSED.**

The amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified

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

Further, the ADS filed on February 7, 2008 does not match the priority claim supplied in the petition, in that, it fails to include priority to Application No. 10/994,981 filed on November 19, 2004. If petitioner desires to have this application included in the claim for priority, it should be included in the substitute amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(3).[1]

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

By mail: Mail Stop PETITIONS
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Alexandria, VA 22313-1450

By hand: Customer Service Window
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Alexandria, VA 22314

The Centralized facsimile number is **(571) 273-8300**, and documentation to this number should be addressed to the Office of Petitions.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.78(a)(3).

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

Andrea Smith
Petitions Examiner
Office of Petitions

[1] The claim for priority may also be made in an Application Data Sheet in compliance with 37 CFR 1.121 and 37 CFR 1.76(b)(5).

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APR 27 2009

OFFICE OF PETITIONS

In re Application of :
Larry Lapanashvili, et. al. :
Application No. 10/578,585 : DECISION ON PETITIONS
Filed: March 2, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 081553-000000US :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed July 31, 2008 and supplemented on August 12, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed nonprovisional and PCT applications, as set forth in the concurrently filed Application Data Sheet (ADS).

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. §§ 120 and 365(c) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed applications. In order for the application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed 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.

This application is being forwarded to the examiner of Technology Center Art Unit 3762 for consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed applications.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

/Andrea M. Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

1 6 JAN 2008

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PROSKAUER ROSE LLP
1001 PENNSYLVANIA AVE, N.W.,
SUITE 400 SOUTH
WASHINGTON, DC 20004

In re Application of :
BRUGGER, James et al. :
Application No.: 10/578,600 : DECISION ON
PCT No.: PCT/US2004/036933 :
Int. Filing Date: 05 November 2004 : PETITION
Priority Date: 07 November 2003 :
Attorney Docket No.: 53951-168 : UNDER 37 CFR 1.182
For: IMPROVES METHODS AND :
APPARATUS FOR LEAK :
IN BLOOD PROCESSING SYSTEMS :

This decision is in response to applicants' petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on14 November 2007.

BACKGROUND

On 08 May 2006, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The transmittal letter indicated that the application was a national phase of PCT/EP2004/036933, but the remaining papers referenced PCT/US2004/036933.

On 14 November 2007, applicants submitted a petition under 37 CFR 1.182 to correct the national stage information in the above application to indicate it is a 371 filing of PCT/US2004/036933.

DISCUSSION

Applicants have explained that the paperwork was intended as a national stage entry of PCT/US2004/036933. The indications will be corrected in the file and the file will be processed as a national stage entry of PCT/US2004/036933.

CONCLUSION

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

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including mailing of a Notification of

Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors is required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,604	05/04/2006	Takeo Sonobe	SHOB-0003 (037498-004)	3453

7590 03/21/2008

David B Ritchie
Thelen Reid & Priest
P O Box 640640
San Jose, CA 95164-0640

EXAMINER	
ORTIZ RODRIGUEZ, CARLOS R	

ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
03/21/2008	PAPER

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

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

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MAR 2 1 2008

TECHNOLOGY CENTER 2100

Thelen Reid & Priest LLP
P O Box 640640
San Jose CA 95164-0640

In re Application of: SONOBE, Takeo.
Application No. 10/578,604
Filed: May 4, 2006
For: Electrical Power System Suppressing Corona Discharge From Viewpoint Of Environment

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 25, 2007, to make the above-identified application special.

The petition is **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in

the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition failed item (4) above, since a first action on the merits was mailed to applicants on 12/7/2007.

Therefore, the Petition is **DISMISSED**.

Response must be faxed to Mano Padmanabhan at 571-273-4210 (RightFax) or 571-273-0308.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Mano Padmanabhan

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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28 AUG 2006

DAVIS LAW GROUP, P.C.
9020 N. Capital of Texas Hwy.
Building 1, Suite 375
Austin, TX 78759

In re Application of :
BUSEY :
Application No.: 10/578,606 :
Filing Date: 05 May 2006 :
Attorney Docket No.: 1002.12 :
For: METHOD, SYSTEM, AND COMPUTER PROGRAM PRODUCT FOR AUTOMATICALLY PERFORMING AN OPERATION IN RESPONSE TO INFORMATION : **DECISION**

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. § 371.

BACKGROUND

On 18 April 2005, applicant filed international application PCT/US2005/013068 claiming priority to five (5) U.S. provisional patent applications filed 20 April 2004.

On 05 May 2006, applicant filed five (5) transmittal letters for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee. The files were assigned U.S. serial numbers 10/578,415; 10/578,606; 10/578,411, 10/578,417 and 10/578,416.

On 07 August 2006, applicant submitted a petition under 37 CFR 1.182 requesting that the above-captioned application be processed as a continuation of the U.S. National Phase application based on PCT/US2005/013068. Applicant also submitted a Supplemental Application Data Sheet.

DISCUSSION

As is evident from the above recited facts, five sets of papers to enter the national stage under 35 U.S.C. 371 were submitted for international application number PCT/US2005/013068. The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of five (5) sets of national stage papers to enter the United States was improper.

U.S. application number 10/578,415 (attorney docket number 1002.14) has been designated as the national stage filing of PCT/US2005/013068. Therefore, applicant requests to convert the subject application to a filing under 35 U.S.C. § 111(a) to be treated as a continuation of the international application, PCT/US2005/013068.

A review of the papers filed 05 May 2006 reveals that a description, drawings and claims were submitted. This is sufficient to meet the requirements of a filing under 35 U.S.C. 111(a). The $400.00 petition fee has been charged from Deposit Account No. 50-3524 as authorized. The Supplemental Application Data Sheet indicates that the above-captioned application is a Continuation of PCT/US2005/013068.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is hereby **GRANTED**.

This above-identified application is accepted as filed under 35 U.S.C. 111(a) and is a Continuation of PCT/US2005/013068 filed 18 April 2005 claiming the benefit of five (5) U.S. provisional applications filed 20 April 2004.

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for further processing under 35 U.S.C. 111(a) with a filing date of 05 May 2006. OIPE should ensure that the proper fees are charged.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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06 JUL 2006

DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

In re Application of	:	DECISION ON
Christiaan CARBON	:	
Application No.: 10/578,621	:	
PCT No.: PCT/IB2004/003637	:	
Int. Filing Date: 29 September 2004	:	PETITION UNDER
Priority Date: 29 September 2003	:	
Attorney's Docket No.: 06032	:	
For: COMPOSITION FOR THE TREATMENT	:	
OF BAD BREATH	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 08 May 2006. The required fee of $65.00 (the surcharge under 1.492(h) for late filing of the executed declaration) has not been submitted.

BACKGROUND

On 29 September 2004, this international application was filed, claiming an earliest priority date of 29 September 2003.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 29 March 2006. This international application became abandoned with respect to the United States at midnight on 29 March 2006 for failure to pay the required basic national fee.

On 08 May 2006, 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 the basic national fee, executed declaration and the petition fee. However, the surcharge for late filing of the executed declaration was not submitted 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

The executed declaration cannot be accepted at this time because the payment of the surcharge set forth in § 1.492(h) is required for acceptance of any of the search fee, the examination fee, or the oath or declaration of the inventor after the date of the commencement of the national stage (§ 1.491(a)). See 37 CFR 1.495(c)(3).

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

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DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

In re Application of :
Christian Cardon :
Application No. 10/578,621 : DECISION ON PETITION
Filed: October 24, 2006 : PURSUANT TO
Attorney Docket Number: 06032 : 37 C.F.R. § 1.137(B)
Title: COMPOSITION FOR THE :
TREATMENT OF BAD BREATH :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed October 7, 2008, on revive the above-identified application.

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

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed April 4, 2008, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 5, 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, an amendment, and the proper statement of unintentional delay. A terminal disclaimer is not required. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement is not applicable.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on October 7, 2008 can be processed.

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1] All other inquiries

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES, CA 90067

Mail Date: 04/20/2010

Applicant	: Keisuke Maruo	: DECISION ON REQUEST FOR
Patent Number	: 7594495	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,630	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Larry R. Nepsund	: DECISION ON REQUEST FOR
Patent Number	: 7655074	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,636	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **534** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

Applicant	: Robert Schipper	: DECISION ON REQUEST FOR
Patent Number	: 7577253	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,647	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **426** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BRIARCLIFF MANOR, NY 10510

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JAN 25 2010

In re Application of	:	
Christoph Herrmann	:	
Application No. 10/578,655	:	ON PETITION
Filed: May 9, 2006	:	
Attorney Docket No. DE030384	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 13, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 14, 2009. A Notice of Abandonment was mailed September 29, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, 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 Technology Center 2112 for further examination on the merits.

Chris Bottorff
Petitions Examiner
Office of Petitions

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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

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JUL 17 2008

In re Application of	:	
Roberto GIARDINO, et al	:	
Application No. 10/578,658	:	DECISION ON PETITION
Filed: December 1, 2006	:	
Attorney Docket No. P/2528-40	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 2, 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 27, 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 March 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1540; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 3735 for appropriate action by the Examiner in the normal course of business on the reply received July 2, 2008.

Thurman K. Page
Petitions Examiner
Office of Petitions

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ASTRAZENECA R&D BOSTON
35 GATEHOUSE DRIVE
WALTHAM, MA 02451-1215

Mail Date: 04/21/2010

Applicant	: Laurent Francois Andre Hennequin	: DECISION ON REQUEST FOR
Patent Number	: 7625908	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,663	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **381** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ASTRAZENECA R&D BOSTON
35 GATEHOUSE DRIVE
WALTHAM, MA 02451-1215

Mail Date: 04/21/2010

Applicant	: Laurent Francois Andre Hennequin	: DECISION ON REQUEST FOR
Patent Number	: 7625908	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,663	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **381** 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.

14 JUN 2006

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YOUNG & THOMPSON
745 South 23rd Street
2nd Floor
Arlington, VA 22202

In re Application of :
ROYER, Thierry :
U.S. Application No.: 10/578,675 :
PCT No.: PCT/FR2004/002832 :
Int. Filing Date: 04 November 2004 :
Priority Date: 05 November 2003 : **DECISION**
Attorney's Docket No.: 0549-1017 :
For: METHOD AND SYSTEM FOR :
DELIVERING DOCUMENTS TO :
TERMINALS WITH LIMITED DISPLAY :
CAPABILITIES, SUCH AS MOBILE :
TERMINALS :

Applicant's "Petition to Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b)" filed on 09 May 2006 is hereby **GRANTED** as follows:

The basic national fee, surcharge fee and petition fee have been paid. Applicant's statement is sufficient to meet the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

No declaration was provided.

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.: (571) 272-3302

23 JAN 2007

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David R. Saliwanchik
Saliwanchik, Lloyd & Saliwanchik
PO Box 142950
Gainesville, FL 32614-2950

In re Application of :
NAYAR et al. :
Application No.: 10/578,692 :
PCT No.: PCT/GB04/04740 :
Int. Filing: 10 November 2004 : DECISION ON PETITION
Priority Date: 10 November 2003 :
Attorney Docket No.:GJE-7462CXC1 :
For: DRY RECOMBINANT HUMAN ALPHA 1-ANTITRYPSIN FORMULATION :

This decision is issued in response to applicants' "Petition to File Application Without Signature of Joint Inventor" which is being treated as a Petition Under 37 CFR 1.47(a)" filed 22 December 2006 and applicant's "Supplemental Communication" filed 26 December 2006. The Supplemental Communication included a declaration executed by all the named inventors.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 26 December 2006 with the present communication was executed by the named inventors, the previous non-signing inventors, Philip J. Barr, Philip A. Pemberton, and Ian C. Bathurst. The declaration filed 26 December 2006 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT.

The application has an international filing date of 10 November 2004 under 35 U.S.C. 363 and a date of **26 August 2006** under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

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 PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON DC 20004-1206

In re Application of	:	
Nayar et al.	:	
Application No. 10/578,692	:	DECISION ON PETITION
Filed: August 26, 2006	:	
Attorney Docket No. ARR-0037-1 US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 1, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 30, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on January 31, 2010. A Notice of Abandonment was mailed February 17, 2010.

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

With regards to item (1), as a response to the Office action, petitioner states that a continuation application was submitted. However, the Office computer database records discloses the filing of two continuation applications on or around the time of filing of the instant petition to revive. **Accordingly, petitioner must state the application number of the continuation application in order that a proper decision on the merits of this petition may be given.**

With regards to item (3), petitioner has failed to sign the petition. The statement required in item (3) has not been signed by petitioner. A grantable petition pursuant to 37 CFR 1.137(b) must include the required statement signed by all of the applicants for patent, an assignee of the entire interest and such assignee has taken action in the application in accordance with 37 CFR 3.71, or a patent attorney or patent agent registered to practice before the office. Further, page two of the submitted petition has not been properly completed as well as unsigned.

Additionally, 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 $555.00, three month extension of time fee submitted on June 1, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit acount in due course.

Any renewed petition may be addressed as follows:

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

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

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

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

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

Joan Olszewski
Petitions Examiner
Office of Petitions

14 MAR 2008

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Louis Svendsen
Tennessee Board of Regents
1415 Murfreesboro Road, Suite 350
Nashville, TN 37217-2833

In re Application of :
DAWSON, Elliott P. et al. :
U.S. Application No.: 10/578,700 :
PCT No.: PCT/US2004/037850 :
Int'l Filing Date: 12 November 2004 : DECISION
Priority Date: 14 November 2003 :
Attorney's Docket No.: 14160-1US :
For: CHROMOSOME 5 GENETIC :
VARIANTS RELATED TO DYSLEXIA :

Applicants filed a request to withdraw as attorney and a change of address on 03 January 2008.

On 07 May 2007, applicants filed a declaration of the inventors for filing with an application data sheet (ADS). On 21 February 2008, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective as an ADS did not accompany it.

While an ADS is required to be filed with the declaration used by applicants, it can be filed at a later time. The declaration is in compliance with 37 CFR 1.497(a)-(b). The application has a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of 07 May 2007.

Applicants have not been appointed with a Power of Attorney, withdrawal is not required. The correspondence address has been changed, as indicated above.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 21 February 2008 is **VACATED**.

This application is being returned to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of 07 May 2007.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

cc: SHELDON MAK ROSE & ANDERSON PC
100 Corson Street
Third Floor
PASADENA CA 91103-3842

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OFFICE OF PETITIONS

In re Application of :
Elliot P. Dawson, et al. :
Application No. 10/578,701 : DECISION ON PETITION
Filed: May 7, 2001 : TO WITHDRAW
Attorney Docket No. 14160-2US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed January 3, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that David A. Farah 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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: LOUIS SVENDSEN, ESQ.
UNIVERSITY COUNSEL
TENNESSEE BOARD OF REGENTS
1415 MURFREESBORO ROAD, SUITE 350
NASHVILLE, TN 37217-2833

14 JUN 2006

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TYCO ENGINEERED PRODUCTS & SERVICES
212 Carnegie Center, Suite 301
Princeton, NJ 08540

In re Application of	:	
KLIPPEL *et al*	:	
U.S. Application No.: 10/578,705	:	
PCT No.: PCT/GB2003/005184	:	
Int. Filing Date: 28 November 2003	:	**DECISION**
Priority Date: 29 November 2002	:	
Attorney's Docket No.: 22353:E-US	:	
For: CLAMP	:	

Applicants' "Petition for Revival of an International Application for Patent Designating the United States Abandoned Unintentionally Under 37 CFR §1.137(b)" filed with the national stage papers on 10 May 2006 is hereby **GRANTED** as follows:

The basic national fee and petition fee have been paid. Applicants' statement is sufficient to meet the requirements of 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. The surcharge fee of $130.00 has been charged to Deposit Account No. 50-2782 as authorized.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 28 November 2003 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 10 May 2006.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 05/04/2010

Applicant	: Yoshiyuki Sasaki	: DECISION ON REQUEST FOR
Patent Number	: 7613867	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/578,707	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **604** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

06 SEP 2006

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700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON, DC 20005-3960

In re Application of	:	
BULA, Eric et al.	:	
Application No.: 10/578,720	:	DECISION
PCT No.: PCT/GB04/03204	:	
Int. Filing Date: 23 July 2004	:	ON PETITION UNDER
Priority Date: 04 August 2003	:	
Docket No.: 442163/PALL	:	37 CFR 1.137(b)
For: SEPARATOR SYSTEMS	:	

Applicants' "Petition Pursuant to 37 CFR 1.137(b) to Revive an Unintentionally Abandoned Application," filed in the above-captioned application on 10 May 2006 is **GRANTED**.

Applicants state 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 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. The fee for late filing of the search fee, examination fee or oath or declaration will be charged to deposit account no. 12-1216, as authorized.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision, 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 P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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11 FEB 2008

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26748
SYNGENTA CROP PROTECTION, INC.
Patent and Trademark Dept
410 Swing Road
Greensboro, NC 27409

In re Application of
FOWLER *et al*
U.S. Application No.: 10/578,735
PCT No.: PCT/US2004/038414
Int. Filing Date: 16 November 2004
Priority Date: 17 November 2003
Attorney Docket No.: 70333/UST
For: EMULSIFIABLE CONCENTRATES CONTAINING ADJUVANTS

DECISION ON PAPERS FILED UNDER 37 CFR 1.42

This is a decision on the declaration filed on 18 May 2007 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 21 March 2007, 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 must be provided. Applicants were given two months to respond.

On 18 May 2007, applicants submitted a declaration signed by three of the four inventors and four legal representative of the deceased inventor, Hans Walter Haesslin.

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 citizenship, residence and address of all inventors are listed on the declaration pursuant to 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1). Moreover, the citizenship, residence and address of the three legal representatives of the deceased inventor are recorded on the declaration pursuant to 37 CFR 1.497(b)(2).

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 16 November 2004, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 18 May 2007.

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

James Thomson

James Thomson
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THE FIRM OF HUESCHEN AND SAGE
SEVENTH FLOOR, KALAMAZOO BUILDING
107 WEST MICHIGAN AVENUE
KALAMAZOO MI 49007

In re Application of:	:
Seiller et al.	:
Serial No.: 10/578,765	: PETITION DECISION
Filed: March 20, 2007	:
Attorney Docket No.: MERZ 49 PCT US	:

This is in response to the petition under 37 CFR § 1.181, filed March 2, 2009, requesting that the finality of the Office action of December 4, 2008 be withdrawn.

BACKGROUND

On December 18, 2007, the examiner mailed to applicants a restriction requirement, wherein applicants were required to elect a single active compound specie and a single disclosed composition.

On February 14, 2008, applicants elected neramexane and preservative free composition.

On May 21, 2008, the examiner mailed a non-final Office action in which the restriction requirement was made final. Claims 8-11, 23-25, 27-32, 42-43, and 45-55 were withdrawn by the examiner as being drawn to a nonelected species. Claims 17-22 were objected to under 37 CFR 1.75(c) for being in improper dependent form and claim 44 was objected to for informalities. Claims 22 and 44 were rejected under 35 USC 112, second paragraph, as being indefinite. Claims 1-3, 6-7, 12, 14-22, and 39-40 were rejected under 35 USC 102(b) as being anticipated by Parsons et al. (WO 01/98253 A2); claims 1, 4-5, and 39-41 were rejected under 35 USC 103 (a) as being unpatentable over Parsons et al.; and claims 1, 13, 26, and 44 were rejected under 35 USC 103(a) as being unpatentable over Parsons et al. and Gupta et al. (US 2005/0014743 A1).

On August 18, 1008, applicants submitted an amendment, in which claims 8-12, 33-38, 42-43, and 46-47 were canceled. Claims 1-3, 5-7, 13-14, 17, 20, 26, 39, and 44 were amended. Applicants also provided remarks traversing the objections and rejections.

On December 4, 2008, the examiner mailed a final Office action. Claim 44 was objected to due to informalities. Claims 1-3, 6-7, 14-22, and 39-40 were rejected under 35 USC 102(b) as being anticipated by Parsons et al.; claims 1, 4-5, and 39-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parsons et al.; and claims 1, 13, 26, and 44 were rejected under 35 USC 103(a) as being unpatentable over Parsons et al. and Gupta et al.

On March 2, 2009, applicants submitted as response, including the petition under review, amendments to the claims, and remarks traversing the objection and rejections.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition, applicants argue that the final Office action mailed December 4, 2008 incorrectly set forth that no arguments had been presented regarding the rejection of claims 1, 4-5, and 39-41 under 35 USC 103(a) as being unpatentable over Parsons et al. This is persuasive.

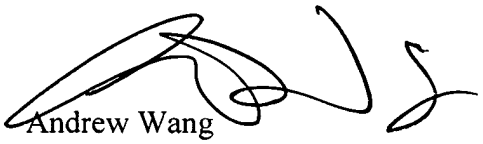
Applicants also argue the merits of the rejections under 35 USC 103(a), including a discussion of unexpected results and correction of a typographical error in Table 7. However, these issues will be left to the consideration of the examiner, who is in the best position to consider the totality of the evidence.

DECISION

The petition is **GRANTED**.

The Office action mailed December 4, 2008 is hereby vacated. The application is being returned to the examiner for consideration of the amendment submitted March 2, 2009, specifically to address the arguments submitted by applicants regarding Parsons et al. alone or in combination with the Gupta et al.

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



Andrew Wang
Acting Director, Technology Center 1600

1 9 MAY 2009

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Oblon, Spivak, Mcclelland Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of: KATADA, et al.
Application No.: 10/578,782
PCT No.: PCT/JP04/17117
Int. Filing Date: 11 November 2004
Priority Date: 11 November 2003
Attorney Docket No.: 290293US40PCT
For: EXPANSION TANK DEVICE, PROCESS FOR FABRICATING EXPANSION TANK DEVICE, AND LIQUID COOLING RADIATOR

DECISION

This decision is issued in response to applicant's "Petition to Correct Inventorship under 37 CFR 1.497(d)" filed 20 March 2009.

BACKGROUND

On 11 November 2004, applicant filed international application no. PCT/JP04/17117 which claimed a priority date of 11 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 May 2005. The international application named Yoshinori Katada and Kazuo Taga as an applicants/inventors. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 11 May 2006.

On 09 May 2006, 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 application data; and a copy of the international application.

On 15 January 2009, 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 20 March 2009, applicant filed "Petition to Correct Inventorship under 37 CFR 1.497(d)" which included a declaration executed by: Yoshinori Katada; Kazuo Taga; Tomotaka Ishida; and Sakae Kitajo.

DISCUSSION

Applicant requests to add Tomotaka Ishida and Sakae Kitajo as inventors to the present application. 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). Items (1); (2); and (3) have been satisfied.

Regarding item (4), applicant has submitted a "Certification Under 37 CFR 3.73(B)" executed on behalf of assignees Showa Denko K.K. and NEC Corporation. The "Certification Under 37 CFR 3.73(B)" states that a copy of the Assignment is enclosed therewith; however, the "Certification Under 37 CFR 3.73(B)" does not include a statement that the assignee consents to the requested change of inventorship. Before item (4) can be considered satisfied, applicant must provide the written consent of the assignee to the change of inventorship.

Because applicant has not satisfied all the requirements of 37 CFR 1.497(d), inventors Tomotaka Ishida and Sakae Kitajo cannot be added to the application on the present record.

CONCLUSION

For the reasons discussed above, applicant's 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).

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

Anthony Smith
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Oblon, Spivak, McClelland Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of: KATADA, et al. :
Application No.: 10/578,782 :
PCT No.: PCT/JP04/17117 : DECISION
Int. Filing Date: 11 November 2004 :
Priority Date: 11 November 2003 :
Attorney Docket No.: 290293US40PCT :
For: EXPANSION TANK DEVICE, PROCESS FOR FABRICATING EXPANSION TANK DEVICE, AND LIQUID COOLING RADIATOR :

This decision is issued in response to applicant's "Petition to Correct Inventorship under 37 CFR 1.497(d)" filed 29 June 2009.

BACKGROUND

On 11 November 2004, applicant filed international application no. PCT/JP04/17117 which claimed a priority date of 11 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 May 2005. The international application named Yoshinori Katada and Kazuo Taga as applicants/inventors. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 11 May 2006.

On 09 May 2006, 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 application data; and a copy of the international application.

On 15 January 2009, 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 20 March 2009, applicant filed "Petition to Correct Inventorship under 37 CFR 1.497(d)" which included a declaration executed by: Yoshinori Katada; Kazuo Taga; Tomotaka Ishida; and Sakae Kitajo. In a decision dated 19 May 2009, applicant's request to add Tomotaka Ishida and Sakae Kitajo as inventors was dismissed without prejudice.

On 29 June 2009, applicant filed the present renewed submission under 37 CFR 1.497(d).

DISCUSSION

Applicant requests to add Tomotaka Ishida and Sakae Kitajo as inventors to the present application. 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).

Items (1); (2); and (3) have been previously satisfied.

Regarding item (4), applicant has submitted a document entitled "Consent of Assignee(s) to Change of Inventorship." This document states that the assignees consent to the addition of Tomotaka Ishida and Sakae Kitajo as inventors herein. However, pursuant to 37 CFR 1.497(d)(3), the consent of the assignee must be submitted in compliance with 37 CFR 3.73(b) (see MPEP 201.03(II)(D)). Here, the statement executed by the assignee does not comply with the requirements of 37CFR 3.73(b)(2). Specifically, the person (Hiroyuki Okazaki) signing the "Consent of Assignee(s) to Change of Inventorship" does not have apparent authority to act on behalf of the assignee or states that he is authorized to act on behalf of the assignee. (It is noted that Hirokazu Iwasaki previously indicated that he/she is empowered to act on behalf of the assignee, Showa Denko K.K.)

Because applicant has not satisfied all the requirements of 37 CFR 1.497(d), inventors Tomotaka Ishida and Sakae Kitajo cannot be added to the application on the present record.

CONCLUSION

For the reasons discussed above, applicant's 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).

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

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1940 Duke Street
Alexandria, VA 22314

In re Application of: KATADA, et al.
Application No.: 10/578,782
PCT No.: PCT/JP04/17117
Int. Filing Date: 11 November 2004
Priority Date: 11 November 2003
Attorney Docket No.: 290293US40PCT
For: EXPANSION TANK DEVICE, PROCESS FOR FABRICATING EXPANSION TANK DEVICE, AND LIQUID COOLING RADIATOR

DECISION

In a decision mailed by this Office on 03 August 2009, applicant's request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d).

On 05 October 2009, applicant filed the renewed request under 37 CFR 1.497(d) considered herein. Applicant's (20 March 2009, 29 June 2009 and 05 October 2009) submissions satisfy the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the added inventors. The processing fee set in forth in 37 CFR §1.17 has been submitted. And applicant has submitted the consent of the assignee to the requested correct of inventorship in the form required under 37 CFR 1.497(d)(3) and 3.73(b).

Based on the above, applicant's request to add Tomotaka Ishida and Sakae Kitajo as an inventors is appropriately granted. Based on this correction, the declaration filed on 20 March 2009 (which named Kazuo Taga, Tomotak Ishida, Tomotaka Ishida and Sakae Kitajo) is acceptable under 37 CFR 1.497. Applicant's request to correct inventorship 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 for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is 20 March 2009.

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 04/20/2010

Applicant	: Toshiharu Aikawa	: DECISION ON REQUEST FOR
Patent Number	: 7619211	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,785	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **713** 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.

16 NOV 2007

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Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis, MN 55402

In re Application of	:
SMITH, et al.	:
PCT No. PCT/GB05/50169	: DECISION ON PETITION
Application No. 10/578,786	:
Int. Filing Date: 29 September 2005	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 1365.107US1	:

This is a decision on the "Petition to Add Unintentionally Delayed Claim of Priority Under 35 U.S.C. 120 And 37 C.F.R. § 1.78(a)(3)" filed 23 March 2007. An examination of the petition finds that it is in fact a request to accept two unintentionally delayed foreign priority claims. Because petitions under 37 CFR 1.78(a)(3) are limited to acceptance of delayed claims to U.S. nonprovisional applications and international applications designating the United States, and petitioner has not requested acceptance of an such claim, the petition under 37 CFR 1.78(a)(3) is **DISMISSED as moot**.

Petitioner should note that the petition procedure under 37 CFR 1.55 (c) to accept an unintentionally delayed claim of foreign priority is not available in U.S. National stage applications. Foreign priority in U.S. National stage applications is governed by 35 U.S.C. 365 (b). See also Manual of Patent Examining Procedure (MPEP) 1893.03(c):

> If the priority claim in the national stage application is to an application, the priority of which was not claimed in the international stage of the international application, the claim for priority must be denied for failing to meet the requirements of the Patent Cooperation Treaty, specifically PCT Rule 4.10.
>
> For a comparison with 35 U.S.C. 119(a)-(d) priority claims in a national application filed under 35 U.S.C. 111(a), see MPEP § 1895.01.

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

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

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

By fax: (571) 273-0459
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Derek A. Putonen at (571) 272-3294.

Boris Milef
Senior Legal Examiner
Office of PCT Legal Administration

Adjustment Date: 11/16/2007 SBASHEIR
03/26/2007 INTEFSW 00001039 190743 10578786
01 FC:1454 1370.00 CR

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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

Applicant	: Michael Weiler	: DECISION ON REQUEST FOR
Patent Number	: 7596479	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,791	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/03/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **538** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

Mail Date: 05/18/2010

Applicant : Michael Weiler
Patent Number : 7596479
Issue Date : 09/29/2009
Application No: 10/578,791
Filed : 05/03/2006

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

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

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

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

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SCULLY SCOTT MURPHY & PRESSER, PC
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In re Application of:
BELSER, Roland, et al.
U.S. Application No.: 10/578,814
PCT No.: PCT/EP2004/011988
International Filing Date: 22 October 2004
Priority Date: 04 November 2003
Attorney Docket No.: 19715
For: AXIAL PISTON MACHINE

DECISION ON PETITION

This decision is issued in response to the "Response To Notification Of Abandonment" filed 22 January 2008 and the "Supplemental Response To Notification Of Abandonment Together With Petition Under 37 CFR 1.182" filed 26 March 2008. Deposit Account No. 19-1013 will be charged the $400 petition fee required for the petition under 37 CFR 1.182.

BACKGROUND

On 22 October 2004, applicant filed international application PCT/EP2004/011988. The international application claimed a priority date of 04 November 2003, and it designated the United States. On 26 May 2005, the International Bureau (IB) communicated a copy of the international application to the United States patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 04 May 2006.

On 04 May 2006, applicant filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a translation of the international application into English.

On 13 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 was required.

On 05 April 2007, applicants filed a response to the Notification Of Missing Requirements that included a cover letter entitled "Submission Of Declaration And Power Of Attorney," a copy of the Notification of Missing Requirements, and an executed declaration. However, the cover letter misidentified the application number to which the submission was directed as 10/578,414. Accordingly these materials were placed in U.S. application file 10/578,414.

On 18 December 2007, the DO/EO/US mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a response to the Notification Of Missing Requirements.

On 22 January 2008, applicant filed the "Response To Notification Of Abandonment" considered herein. The response asserts that applicant filed a timely and proper response to the Notification Of Missing Requirements, including an executed declaration, on 05 April 2007, and that the holding of abandonment should therefore be withdrawn. The submission included a copy of the materials filed 05 April 2007 and a return postcard that itemizes these materials and bears a USPTO receipt stamp dated 05 April 2007.

On 10 April 2007, applicant filed the "Supplemental Response To Notification Of Abandonment Together With Petition Under 37 CFR 1.182" considered herein. The petition requests that the typographical error in the cover letter included with the 05 April 2007 submission be corrected so that such materials may be treated as having been filed in the present application on such date as a timely response to the Notification Of Missing Requirements.

DISCUSSION

The petition under 37 CFR 1.182 requests that the materials filed on 05 April 2007 (misdirected to application number 10/578,414) be treated as having been filed in the present application, 10/578,814, on 05 April 2007 as a timely response to the Notification Of Missing Requirements mailed 13 March 2007. Granting of this petition is required in order to avoid abandonment of the present application.

The required petition fee accompanied the petition, and a review of the documents filed 05 April 2007 confirms that the proper application number was listed thereon (specifically, on the copy of the Notification Of Missing Requirements included with such submission).

Applicant's present submission satisfies the requirements for a grantable petition under 37 CFR 1.182. Accordingly, the response to the Notification Of Missing Requirements, including the executed declaration, will be treated as having been filed in the present application, 10/578,814, on 05 April 2007 as a timely response to the Notification of Missing Requirements mailed 13 March 2007.

A review of the declaration confirms that the declaration complies with the requirements of 37 CFR 1.497.

The Notification of Abandonment mailed 18 December 2007, based as it was on applicant's purported failure to file a timely response to the Notification Of Missing Requirements, is appropriately vacated.

CONCLUSION

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

The response to the Notification Of Missing Requirements filed 05 April 2007, including the executed declaration, will be treated as having been filed in the present application on 05 April 2007.

The declaration satisfies the requirements of 37 CFR 1.497.

The Notification of Abandonment (Form PCT/DO/EO/903) mailed 18 December 2007 is hereby **VACATED**.

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 05 April 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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Mail Date: 04/21/2010

Applicant	: Benoît Lecinq	: DECISION ON REQUEST FOR
Patent Number	: 7631384	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,818	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/03/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **414** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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DEC 17 2009

OFFICE OF PETITIONS

In re Patent No. 7, 547,786 :
Nagasawa, et al. :
Issue Date: June 16, 2009 : DECISION ON REQUEST FOR
Application No.10/578,844 : RECONSIDERATION OF
Filed: May 10, 2006 : PATENT TERM ADJUSTMENT
Attorney Docket No. 2906240PCT :

This is in response to the "PETITION UNDER RULE 1.705(d) AND REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT" filed August 13, 2009. Patentees request that the determination of patent term adjustment for the above-identified patent be corrected from one hundred sixteen (116) days to one hundred fifty-three (153) days.

The request for reconsideration of patent term adjustment is **DISMISSED** with respect to making any change in the patent term adjustment determination under 35 U.S.C. 154(b) of 116 days.

This application was filed on May 10, 2006. On June 16, 2009, the application matured into U.S. Patent No. 7,547,786, with a revised patent term adjustment of 116 days. The Office determined that the 37 days of Office delay pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b)[1,2] overlaps with the 239

[1] Pursuant to 35 U.S.C. 154(b)(1)(B), 37 CFR 1.702(b) provides, in pertinent part, that:

> Failure to issue a patent within three years of the actual filing date of the application. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application

days of Office delay pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1)[3,4] accorded prior to the issuance of the patent. As such, the Office allowed only entry of the adjustment of 239 days. No additional days of patent term adjustment were entered at issuance under the three-year pendency provision. Given the applicant delay of 123 days, the patent issued with a revised patent term adjustment of 116 (239 - 123) days.

On August 13, 2009, patentees timely submitted this request for reconsideration of patent term adjustment within two months of the issue date of the patent. See 37 CFR 1.705(d). Patentees assert that the correct number of days of Patent Term Adjustment is 153 days under the court's 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). Patentees assert that pursuant to Wyeth, a PTO delay under §154(b)(1)(A) overlaps with a delay under §154(b)(1)(B) only if the delays "occur on the same day." Patentees maintain that the total non-overlapping PTO delay under § 154(b)(1)(A) & (B) is 276 (239 + 37) days as these periods do not occur on the same day. Further, given the applicant delay of 123 days, patentees assert entitlement to 153 (276 - 123) days of patent term adjustment.

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[2] The application was pending three years and 37 days.

[3] 37 CFR § 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

> (a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:
> (1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

[4] A restriction requirement was not mailed until March 5, 2008, fourteen months and 239 days after the date of completion of all 35 U.S.C. 371 requirements on May 10, 2006.

The Office has considered patentees' interpretation of the period of overlap, but finds it inconsistent with the Office's interpretation of the overlap provision, 35 U.S.C. 154(b)(2)(A). 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f)*[5] *and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office 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

---

[5] Likewise, 37 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in § 1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

§ 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 54366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

Further, as stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding 37 CFR 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the period during which the application was pending before the Office (not including any other periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)).

Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1), 341 days of patent term adjustment were accorded during the pendency of the application for Office delay prior to the issuance of the patent. Pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b), 37 days of patent term adjustment accrued for Office issuance of the patent more than three years after the date the national stage commenced under 35 U.S.C. 371(f) on May 10, 2006.

All of the 37 days of patent term adjustment under 37 CFR 1.702(b) overlap with the 239 days of patent term adjustment under 37 CFR 1.702(a)(1). Entry of both the 239 days and the 37 days is neither permitted nor warranted. 239 days is the actual number of days issuance of the patent was delayed.

Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment.

In view thereof, the Office affirms that the revised determination of patent term adjustment at the time of the issuance of the patent is 116 days (239 day of Office delay - 123 days of applicant delay).

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

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

25 OCT 2007

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1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
FISCHER, Reiner, et al.	:	
Application No.: 10/578,900	:	DECISION ON
PCT No.: PCT/EP2004/012644	:	
Int. Filing Date: 09 November 2004	:	REQUEST
Priority Date: 22 November 2003	:	
Attorney's Docket No.: 2400.0410000	:	UNDER 37 CFR 1.42
For: 2-ETHYL-4,6-DIMETHYL-PHENYL-	:	
SUBSTITUTED SPIROCYCLIC	:	
TETRAMIC ACID DERIVATIVES	:	

This decision responds to applicants' submission of a declaration of the inventors on 08 March 2007, containing an indication that joint inventor Christoph Erdelen is deceased. The declaration has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 09 November 2004, applicants filed international application PCT/EP2004/012644, claiming a priority date of 22 November 2003. The deadline for submitting the basic national fee to prevent abandonment of the international application as to the United States expired at midnight of 22 May 2006.

On 12 May 2006, 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 08 January 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that additional claim fees, an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 08 March 2007, applicants filed a declaration of the inventors.

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 C.F.R. 1.42.

The declaration provided does not state that the heir, Angelika Lubos-Erdelen is the sole heir of the deceased joint inventor, Christoph Erdelen. If a legal representative has been or is required to be appointed under applicable law, such person must sign the declaration and indicate the relationship, e.g., "legal representative of inventor Christoph Erdelen." Otherwise, all heirs of Christoph Erdelen must sign the declaration and indicate the relationship, *e.g.*, "sole heir of Christoph Erdelen," or "legal representative of Christoph Erdelen." The indication that Angelika Lubos-Erdelen is an heir leaves open the possibility that there are other non-signing joint heirs. If Ms. Angelika Lubos-Erdelen is the sole heir and is signing the declaration as the legal representative of the estate of Christoph Erdelen, a statement to that effect will be sufficient.

CONCLUSION

For the above reasons, the request for status under 37 C.F.R. 1.42 is **REFUSED**.

Applicants are required to submit an oath or declaration in compliance with 37 C.F.R. 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 C.F.R. 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 may be filed electronically via EFS-Web or if mailed, 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

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Mail Date: 04/21/2010

Applicant	: Tomokazu Muraguchi	: DECISION ON REQUEST FOR
Patent Number	: 7637097	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,923	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **460** 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.

14 JUN 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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James E. Ledbetter
STEVENS, DAVIS, MILLER & MOSHER, LLP
1615 L Street, Suite 850
Washington, DC 20036

In re Application of :
UEDA, Shinji *et al* :
U.S. Application No.: 10/578,925 :
PCT No.: PCT/JP2004/015788 :
Int. Filing Date: 25 October 2004 : **DECISION**
Priority Date: 31 October 2003 :
Attorney's Docket No.: L9289.01655 :
For: MOBILE TERMINAL APPARATUS :

Applicants' "Petition for Revival of an International Application for Patent Designating the United States Abandoned Unintentionally Under 37 CFR §1.137(b)" filed with the national stage papers on 09 May 2006 is hereby **GRANTED** as follows:

The basic national fee and petition fee have been paid. Applicants' statement is sufficient to meet the requirements of 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. The surcharge fee of $130.00 has been charged to Deposit Account No. 19-4375 as authorized.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 25 October 2004 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 09 May 2006.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Erwin Bayer	: DECISION ON REQUEST FOR
Patent Number	: 7638733	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,927	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/01/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **290** 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.

13 JAN 2009

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Kevin C. Ecker
US PHILIPS CORPORATION
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510-8001

In re Application of :
SUN, et al. :
U.S. Application No. 10/578,930 :
PCT No.: PCT/IB2004/052317 :
Int. Filing Date: 05 November 2004 : DECISION ON PETITION
Priority Date: 10 November 2003 : (37 CFR 1.182)
Attorney Docket No.: CN030051US :
For: A METHOD AND APPARATUS FOR MITIGATING P2P INTERFERENCE IN P2P ENABLED COMMUNICATION SYSTEMS :

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182" filed 26 November 2008 in the United States Patent and Trademark Office (USPTO) that seeks to correct the international application number on the national stage application papers filed 08 May 2006 so as to allow such materials to be treated as the U.S. national stage of PCT/IB2004/052317. Applicant is advised that the petition fee is $400.00. As authorized, Deposit Account No. 14-1270 will be charged the required $400 petition fee.

BACKGROUND

On 05 November 2004, applicants filed international application PCT/IB2004/052317, which claimed a priority date of 10 November 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 10 May 2006.

On 06 May 2006, applicant filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee. The submission was assigned U.S. application number 10/578,930.

On 30 September 2008, the United States Designated/Elected Office (DO/EO/US) mailed a communication to applicant detailing a discrepancy in the filed papers and advising applicant to file a petition under 37 CFR 1.182 to correct the transmittal error.

On 26 November 2008, applicant filed a petition under 37 CFR 1.182 to correct the bibliographic data error.

DISCUSSION

As noted above, the bibliographical data provided by applicant incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 06 May 2006 can be treated as having been directed to international application PCT/IB2004/052317, as necessary to avoid abandonment of the international application with respect to the United States.

In the present petition filed 26 November 2008, applicant confirms that the listing of international application PCT/IB2004/052276 set forth in the transmittal letter provided by applicant was the result of an error, and that the correct international application is PCT/IB2004/052317. It is noted that the correct international application number was listed on the combined declaration and power of attorney also filed on 06 May 2006. The present petition is accompanied by payment of the required petition fee and properly identifies the application as the national stage of PCT/IB2004/052317. These materials satisfy the requirements for a grantable petition to correct the error in the bibliographical data filed 06 May 2006 and to permit such materials to be treated as having been directed to international application PCT/IB2004/052317.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

The materials filed 06 May 2006 assigned U.S. application number 10/578,930 will be treated as the national stage of PCT/IB2004/052317.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision including the issuance of a new "Notice of Acceptance" (Form PCT/DO/EO/903). 10 May 2006 remains the date of satisfaction of the requirements under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ANDERSON, KILL & OLICK, P.C.
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020-1182

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SEP 12 2008

OFFICE OF PETITIONS

In re Application of :
Michel Hoclet :
Application No. 10/578,931 : DECISION ON PETITION
Filed: May 8, 2006 :
Attorney Docket No. MM6010PCT :

This is a decision on the petition, filed May 19, 2008, in the above-identified application under the provisions of 37 CFR 1.137(b).

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

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $1,540. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits of the petition can be given until the required fee is received.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: EUGENE LIEBERSTEIN
BAKER & HOSTETLER, LLP
45 ROCKEFELLER PLAZA
NEW YORK, NY 10111

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SEP 24 2008
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for DAC

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SEP 12 2008

OFFICE OF PETITIONS

In re Application of :
Michel Hoclet :
Application No. 10/578,931 : DECISION ON PETITION
Filed: May 8, 2006 :
Attorney Docket No. MM6010PCT :

This is a decision on the petition, filed May 19, 2008, in the above-identified application under the provisions of 37 CFR 1.137(b).

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

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $1,540. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits of the petition can be given until the required fee is received.

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

By mail: Mail Stop PETITIONS
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Post Office Box 1450
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By hand: Customer Service Window
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: EUGENE LIEBERSTEIN
BAKER & HOSTETLER, LLP
45 ROCKEFELLER PLAZA
NEW YORK, NY 10111

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Commissioner for Patents
United States Patent and Trademark Office
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ANDERSON, KILL & OLICK, P.C.
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020-1182

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DEC 17 2008

In re Application of :
Micel Hoclet :
Application No. 10/578,931 : DECISION ON PETITION
Filed: May 8, 2006 :
Attorney Docket No. MM6010PCT :

This is a decision in response to the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 24, 2008, to revive the above-identified application.

The petition is **DISMISSED.** This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A review of the record shows that the application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings on or before May 5, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed February 5, 2008. A Notice of Abandonment was mailed on May 23, 2008. On May 19, 2008, a petition under 37 CFR 1.137(b) was filed, however, the petition was dismissed in a decision mailed September 12, 2008. In response, on September 24, 2008, the present petition was filed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The petition does not comply with item (1).

Receipt is acknowledged of the requisite petition, issue and publication fees; however, the corrected drawings have not been submitted. Accordingly, the petition cannot be granted at this time.

It is noted that petitioner states that he is an attorney having power in the present application; however, 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.

Any further request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision and contain the new oath or declaration in compliance with 37 CFR 1.67(a). Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and should be addressed as follows:

By mail: Mail Stop PETITIONS
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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

By Internet: EFS-Web[1]

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Eugene Liberstein
Baker & Hostetler, LLP
45 Rockefeller Plaza
New York, NY 10111

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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BAKER & HOSTETLER LLP
ATTN: JIM COFFMAN
45 ROCKEFELLER PLAZA
NEW YORK NY 10111

MAILED

MAR 27 2009

OFFICE OF PETITIONS

In re Application of
Michel Hoclet
Application No. 10/578,931
Filed: May 8, 2006
Attorney Docket No. MM6010PCT

ON PETITION

This is a decision on the renewed petition, filed January 22, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings on or before May 5, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed February 5, 2008 . Accordingly, the date of abandonment of this application is May 6, 2008. On May 19, 2008 and September 24, 2008, petitioner submitted petitions under 37 CFR 1.137(b); however, the petitions were dismissed by decisions mailed September 12, 2008 and December 17, 2008, respectively. On January 22, 2009, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee of $1,440, publication fee of $300 and the corrected drawings; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to oversee the review of the drawing filed January 22, 2009 and for further processing as a patent.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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30 NOV 2007

DAVID W. CARRITHERS
CARRITHERS LAW OFFICE, PLLC
ONE PARAGON CENTRE
6060 DUTCHMAN'S LANE, SUITE 140
LOUISVILLE, KY 40205

In re Application of
GARY L. HOPKINS
U.S. Application No.: 10/578,936
PCT Application No.: PCT/US04/14907
Int. Filing Date: 12 May 2004
Priority Date: 07 October 2003
Attorney Docket No.: AH126/2005.4
For: MICROWAVE COOKING CONTAINER WITH SEQUENTIAL VENTING ARRANGEMENT

DECISION under

37 CFR 1.182

This is a decision on applicant's petition under 37 CFR 1.182 filed 01 October 2007 in the United States Patent and Trademark Office (USPTO).

On 07 April 2006, applicant submitted 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), which was directed to international application number PCT/US04/**14097**. The accompanying law firm transmittal letter was directed to PCT/US04/**14635**. The papers were assigned U.S. application number 10/578,936.

On 28 September 2006, a communication was mailed to applicant indicating that a petition under 37 CFR 1.182 to correct the international application number, requesting rectification of incorrect international application no. and identifying the correct international application no. should be filed.

On 01 October 2007, a petition under 37 CFR 1.182 was filed requesting correction of the international application number on the Transmittal Letter. Applicant provided a petition of $130, which is insufficient. The petition fee is $400; thus, applicant's deposit account will be charged for the additional amount ($270) per his authorization.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/US04/14907 on the national stage papers filed on 06 August 2007 is **GRANTED**.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision. The USPTO records will identify the present application as a national stage of PCT/US04/14907.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-328
Facsimile: (571) 273-0459

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

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MAR 0 3 2008

OFFICE OF PETITIONS

Applicant: Per Olaf Ekstrom
Appl. No.: 10/578,937
Filing Date: November 20, 2003
Title: OSCILLATING TEMPERATURE CAPILLARY ELECTROPHORESIS AND USES THEREFOR
Attorney Docket No.: 3637.1000-003
Pub. No.: US 2007/0117096-A1
Pub. Date: May 24, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 16, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the front page of the patent application publication contains an error, as the Assignee should be changed from "The Norwegian Rdium Hospital Research Foundation" to "Norwegian Radium Hospital Research Foundation".

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 or revised patent application publication other than 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 instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the assignment information. The error does not 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] 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).

Applicants should not file requests for corrected publication when a publication includes errors in assignment information or missing assignment information. See MPEP 1130.

On March 1, 2007, a Filing Receipt was mailed by the Office, which improperly listed the assignment information. 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.

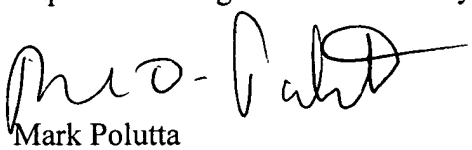
Applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication 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 as a "Pre-Grant Publication" and any 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.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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07 DEC 2007

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of :
SMITH et al. :
Application No.: 10/578,941 :
Filed: May 9, 2006 : DECISION ON PETITION
Attorney Docket No.: 1365.104US1 :
For: MULTI-LINE ADDRESSING METHODS :
AND APPARATUS :

This is a decision on the "Petition to Add Unintentionally Delayed Claim of Priority Under 35 U.S.C. 120 and 37 CFR 1.78(a)(3)" filed March 23, 2007.

BACKGROUND

The present application is a national stage under 35 U.S.C. 371 of international application PCT/GB05/50167, filed 29 September 2005. The international application publication indicates that applicants claimed the priority of Great Britain application number 0421710.5, filed 30 September 2004 in the international phase.

On 09 May 2006, 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 copy of the international application; an oath/declaration; and a preliminary amendment.

On March 23, 2007, applicants filed "Petition to Add Unintentionally Delayed Claim of Priority Under 35 U.S.C. 120 and 37 CFR 1.78(a)(3)" which request that Office properly acknowledge the claim to foreign priority (Great Britain application number 0501211.7, filed 21 January 2005) 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.

Applicant requests the Office to acknowledge the claim of foreign priority (Great Britain application number 0501211.7, filed 21 January 2005) on the Official Filing Receipt. However, this priority claim is not contained in the international application.

37 CFR 1.55(a)(ii) states:

> In an application that entered the national stage from an international application after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and the Regulations under the PCT.

Section 1893.03(c), page 1800-123, column 2, of the Manual of Patent Examining Practice (MPEP) states the following with regard to a priority claim in a national stage application (emphasis added):

> A national stage application which includes a priority claim under 35 U.S.C. 119(a) must refer to a priority application the priority of which was also claimed in the international application. ....
>
> If the 35 U.S.C. 119(a) priority claim in the national stage application is to an application the priority of which was not claimed in the international application, the claim for priority must be denied for failing to meet the requirements of the Patent Cooperation Treaty, specifically PCT Rule 4.10.

In addition, section 1895.01B, page 1800-130, column 2, of the MPEP states the following:

> Pursuant to 35 U.S.C. 365(b), a priority claim under 35 U.S.C. 119(a) is proper if (a) a claim for priority was made in the international application, and (b) the application was filed within 12 months prior to the international filing date.

Finally, 35 U.S.C. 365(b) states the following (emphasis added):

> In accordance with the conditions and requirements of section 119(a) of this title and the treaty and the Regulations, an international application designating the United States shall be entitled to the right of priority based on a prior foreign application ....

Because the priority claim here was not made in accordance with the conditions and requirements of the treaty and the Regulations, the applicant is not entitled to claim priority from Patent Application No. 0501211.7, filed in Great Britain on 21 January 2005.

Applicant should also note that petition under 37 CFR 1.55(c) is not applicable to national stage applications.

CONCLUSION

The "Petition to Correct Priority under 37 CFR 1.78(c)" filed 23 March 2007 is **DISMISSED as MOOT**.

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.

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 2629 for examination in due course.

Boris Milef
Legal Examiner
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
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MEDLEN & CARROLL, LLP
101 HOWARD STREET
SUITE 350
SAN FRANCISCO CA 94105

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DEC 1 8 2009

OFFICE OF PETITIONS

In re Patent No. 7,560,265	
Kim et al.	
Issue Date: July 14, 2009	
Application No. 10/578,943	DECISION ON REQUEST FOR
Filed: November 9, 2006	RECONSIDERATION OF
Attorney Docket No. UTCA-13144	PATENT TERM ADJUSTMENT
Title: Compositions For	
Regulation Of Tumor Necrosis	
Factor-Alpha	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d)", filed September 14, 2009. Patentees request the final Patent Term Adjustment calculation to increase from 0 days to 64 days.

The application for reconsideration of patent term adjustment is **GRANTED** to the extent indicated herein.

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 **sixty-one (61) days.**

The above-identified application matured into U.S. Patent No. 7,560,265 on July 14, 2009. The patent issued with a patent term adjustment of 0 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See, 37 CFR 1.705(d).

Patentees request recalculation of the patent term adjustment based on Japan Tobacco, Inc. Patentees assert they are entitled to a patent term adjustment of 64 days for over three year delay pursuant to 37 CFR 1.702(b). Thus, patentees request that the determination of patent term adjustment be increased to a total of sixty-four (64) days (the sum of the period of three-year

delay (64 days) and the period of examination delay (0 days) less 2 days of applicant delay). The 2 days of applicants' delay is not disputed.

At the time of the mailing of the Notice of Allowance, there was no dispute as to the accuracy of this determination because as of the mailing of the notice of allowance, the undisputed periods of reduction for applicant delay exceeded the period of adjustment for Office delay. As the Office does not set forth negative balances of patent term adjustment, the initial determinations of patent term adjustment of 0 days were properly not disputed.

As stated in 37 CFR 1.703(b), the period of adjustment under § 1.702(b) is the number of days in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the periods under § 1.703(b)(1)-(4). While the date of completion of all 35 U.S.C. 371 requirements, November 9, 2006, is the date used in calculating examination delay under 37 CFR 1.703(a), the date the national stage commenced under 35 U.S.C. 371(b), Friday, May 12, 2006, is used in determining the Three Year Delay under 37 CFR 1.703(b).

Pursuant to 37 CFR 1.703(b)(1), the period of adjustment under 37 CFR 1.702(b) should be 63 days, counting the number of days beginning on the day after the date that is three years after the date on which the national stage commenced under 35 U.S.C. 371(b), May 13, 2009, and ending on the date the patent issued, July 14, 2009.[1]

In view thereof, the patent term adjustment indicated on the patent should be sixty-one **(61) days** (63 - 2) days.

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

---

[1] It is noted that patentees' calculations use May 8, 2006 as the date the national stage commenced. However the Office calculates the date the national stage commenced 30 months from the priority date of November 12, 2003.

Patentees are 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.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by sixty-one **(61) days.**

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

/Kery A. Fries/

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

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,560,265 B2

DATED : July 14, 2009

INVENTOR(S) : Kim et al.

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

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (0) days

Delete the phrase "by 0 days" and insert – by 61 days--

23 FEB 2007

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Merck & Co. Inc.
Patent Department, RY60-30
P.O. Box 2000
126 East Lincoln Avenue
Rahway, New Jersey 07065-0970

In re Application of :
PARK et al. :
Application No.: 10/578,950 : DECISION ON PETITION
PCT No.: PCT/US04/37280 :
Int. Filing Date: 05 November 2004 :
Priority Date: 10 November 2003 :
Attorney Docket No.: 21567P :
For: SUBSTITUTED TRIAZOLES AS SODIUM CHANNEL BLOCKERS

This decision is issued in response to the declaration submitted on 08 May 2006 which is being treated as a Request under 37 CFR 1.42.

BACKGROUND

On 05 November 2004, applicants filed international application PCT/US04/37280, which claimed a priority date of 10 November 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 10 May 2006.

On 08 May 2006, 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 preliminary amendment; a copy of the international application; and a declaration executed by the legal representative, Louis L. Zuegner III. It is noted that a declaration executed by the remainder inventors (Min K. Park, Prasun K. Chakravarty, Bishan Zhou, Edward Gonzalez, Hyun OK, Brenda Palucki, William H. Parsons and Rosemary Sisco) was not included.

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 substitute declaration filed 08 May 2006 is executed by Louis L. Zuegner III as the "legal representative"of Michael H. Fisher and provides their residence, post office address and country of citizenship. In addition, the declaration provides the country of citizenship of the deceased inventor. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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, executed by Min K. Park, Prasun K. Chakravarty, Bishan Zhou, Edward Gonzalez, Hyun OK, Brenda Palucki, William H. Parsons and Rosemary Sisco, is required.

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
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Andreas Prinz	: DECISION ON REQUEST FOR
Patent Number	: 7638734	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/578,970	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **266** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MAILED

MAY 26 2010

OFFICE OF PETITIONS

MICHAEL L. ANTOLINE
2714 N. MATTIS AVENUE
CHAMPAIGN IL 61822

In re Application of :
Coleman et al. : ON PETITION
Application No. 10/578,973 :
Filed: 05/11/2006 :
Attorney Docket No. PRESSURIZED :
ISOTULE :

This is in response to the petition under 37 CFR 1.182, filed November 25, 2009, to change the order of the names of the inventors.

A review of the USPTO computer records reveals that the names of the inventors are already in the order desired by petitioner. For this reason, the petition is dismissed as involving a moot issue. The $130.00 fee will be refunded in due course.

A corrected filing receipt, setting for the order of the names of the inventors, accompanies this decision.

This matter is being referred to the Office of Data Management.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/578,973	05/11/2006	2856	665	PRESSURIZED ISOTULE	18	1

CONFIRMATION NO. 8560

Michael L. Antoline
2714 N. MATTIS AVENUE
Champaign, IL 61822

CORRECTED FILING RECEIPT

Date Mailed: 05/26/2010

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)

Todd Coleman, Fairmount, IL;
Dennis Coleman, Champaign, IL;

Power of Attorney:
Michael Antoline--40488

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US04/38636 11/12/2004

Foreign Applications

If Required, Foreign Filing License Granted: 11/28/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/578,973**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

PRESSURIZED GAS SAMPLING CONTAINER

Preliminary Class

073

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,973	05/11/2006	Todd Coleman	PRESSURIZED ISOTULE	8560

7590 06/02/2010

Michael L. Antoline
2714 N. MATTIS AVENUE
Champaign, IL 61822

EXAMINER	
FAYYAZ, NASHMIYA SAQIB	

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
06/02/2010	PAPER

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

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

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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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In re Application of COLEMAN ET AL.
Appl. No.: 10/578,973
Filed: May 11, 2006
For: PRESSURIZED GAS SAMPLING CONTAINER

DECSION ON PETITION
37 CFR 1.312

JUN 2 2010

The decision is in response to the petition filed November 25, 2009. The petition seeks to change the order of the inventors in the application.

The order of the inventors has been changed so that **Todd Coleman** appears as the first inventor and **Dennis Coleman** appear as the last inventor.

SUMMARY: The petition has been granted.

Hezron Williams

Hezron E. Williams, SPE
Patent Examining Technology Center 2800

Michael L. Antoline
2714 N. MATTIS AVENUE
Champaign, IL 61822

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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In re Application of COLEMAN ET AL.
Appl. No.: 10/578,973
Filed: May 11, 2006
For: PRESSURIZED GAS SAMPLING CONTAINER

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SUMMARY: The petition has been granted.

Hezron E. Williams

Hezron E. Williams, SPE
Patent Examining Technology Center 2800

Michael L. Antoline
2714 N. MATTIS AVENUE
Champaign, IL 61822

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In re Application of COLEMAN ET AL.
Appl. No.: 10/578,973
Filed: May 11, 2006
For: PRESSURIZED GAS SAMPLING CONTAINER

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The order of the inventors has been changed so that **Todd Coleman** appears as the first inventor and **Dennis Coleman** appear as the last inventor.

SUMMARY: The petition has been granted.

Hezron E. Williams

Hezron E. Williams, SPE
Patent Examining Technology Center 2800

Michael L. Antoline
2714 N. MATTIS AVENUE
Champaign, IL 61822

UNITED STATES PATENT AND TRADEMARK OFFICE

24 MAY 2006

Commissioner for Patents
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P.O. Box 1450
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www.uspto.gov

Novozymes North America, Inc.
500 Fifth Avenue, Suite 1600
New York, New York 10110

In re Application of
NIELSEN et al.
Application No.: 10/578,992
PCT No.: PCT/DK04/00406
Int. Filing Date: 11 June 2004
Priority Date: 13 June 2003
Attorney Docket No.: 10362.204-US
For: METHOD FOR PRODUCING GLUCOAMYLASES AND THEIR USES

DECISION ON PETITION

The petition to revive under 37 CFR 1.137(b) filed 11 May 2006 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 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 AUG 2008

United States Patent and Trademark Office

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Joseph J. Laks
Thomson Licensing LLC
2 Independence Way, Patent Operations
PO Box 5312
PRINCETON NJ 08543

In re Application of :
Herpel et al. :
Application No. 10/578,996 :
PCT No.: PCT/EP2004/010234 :
Int. Filing Date: 13 September 2004 : DECISION
Priority Date: 12 November 2003 :
Atty. Docket No.: PD030116 :
For: Method And Device For Composing A Menu :

This is in response to applicants' correspondence filed on 06 August 2008.

BACKGROUND

This international application was filed on 13 September 2004, claimed an earliest priority date of 12 November 2003, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 02 June 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 12 May 2006. Applicants filed, *inter alia*, the basic national fee on 11 May 2006.

On 24 June 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Inspection of the declaration filed on 11 May 2006 reveals that it nominates "Dirk Gandolph" in place of "ADOLPH, Dirk" named in the published international application. MPEP 605.04(b) states in part 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 from the typewritten version 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 37 CFR 1.182 together with an appropriate petition fee.*

Applicants have provided a "Declaration of Dirk Gandolph..." attesting to his name change. However, since the change described above represents more than a mere typographic error or phonetic misspelling of applicant's name, a petition (and fee) under 37 CFR 1.182 is required. In the absence of a formal petition under 37 CFR 1.182, it would not be appropriate to accept the declaration at this time.

DECISION

The declaration is **NOT ACCEPTED**, without prejudice.

A proper response must be filed within either the remaining period for response to the Notification of Missing Requirements mailed on 24 June 2008 (as extended under 37 CFR 1.136(a)) or **ONE (1) MONTH** from the mail date of this decision (**NOT** extendable under 37 CFR 1.136(a)), whichever expires later. This period for response is analogous to that which would be set in a Notification of Defective Response (Form PCT/DO/EO/916). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

14 OCT 2008

United States Patent and Trademark Office

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Joseph J. Laks
Thomson Licensing LLC
2 Independence Way, Patent Operations
PO Box 5312
PRINCETON NJ 08543

In re Application of :
Herpel et al. :
Application No. 10/578,996 :
PCT No.: PCT/EP2004/010234 :
Int. Filing Date: 13 September 2004 : DECISION
Priority Date: 12 November 2003 :
Atty. Docket No.: PD030116 :
For: Method And Device For Composing A Menu :

This is in response to the petition under 37 CFR 1.182 filed on 26 September 2008.

DISCUSSION

In a Decision mailed on 28 August 2008, it was noted that

Inspection of the declaration filed on 11 May 2006 reveals that it nominates "Dirk Gandolph" in place of "ADOLPH, Dirk" named in the published international application. MPEP 605.04(b) states in part 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 from the typewritten version 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 37 CFR 1.182 together with an appropriate petition fee.

Applicants have provided a "Declaration of Dirk Gandolph..." attesting to his name change. However, since the change described above represents more than a mere typographic error or phonetic misspelling of applicant's name, a petition (and fee) under 37 CFR 1.182 is required. In the absence of a formal petition under 37 CFR 1.182, it would not be appropriate to accept the declaration at this time.

In response, applicants have filed the instant petition under 37 CFR 1.182, accompanied by an additional copy of the "Declaration of Dirk Gandolph..." Petitioner states in part that "one of the inventors of the application, changed his name from Dirk Adolph to Dirk Gandolph." The "Declaration of Dirk Gandolph..." attests to the circumstances surrounding the name change referred to by counsel. Based on the totality of the evidence currently of record, it would be appropriate to accept the declaration filed on 11 May 2006.

DECISION

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

The declaration filed on 11 May 2006 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **11 May 2006**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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
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VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

COPY MAILED

DEC 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Campo et al.	:	
Application No. 10/579,002	:	ON PETITION
Filed: September 27, 2007	:	
Attorney Docket No. NPS-PT007.1US	:	

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**.

The matter is being referred to Technology Center AU 3641 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

- 6 NOV 2009

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James W. Kayden
Thomas, Kayden, Horstemeyer & Risley, L.L.P.
100 Galleria Parkway, N.W., Suite 1750
Atlanta GA 30339-5948

In re Application of :
SEURAT GUIOCHET, Claire, Marie-Aurore :
et al. :
U.S. Application No.: 10/579,020 :
PCT No.: PCT/FR2004/003033 : DECISION ON
Int. Filing Date: 26 November 2004 :
Priority Date: 27 November 2003 : PETITION
Attorney Docket No.: 80350-1460 :
For: PRESSURE-COOKING RECIPIENT : UNDER 37 CFR 1.182
PROVIDED WITH A LID :
ENGAGEABLE BY :
CONTROLLED-DEFORMATION :
AND A CORRESPONDING LID :

This is a decision on the petition under 37 CFR 1.182 to relocate misdirected papers, filed in the United States Patent and Trademark Office on 21 September 2009.

BACKGROUND

On 05 January 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905), indicating that an oath or declaration of the inventors was required.

On 25 January 2007, applicants filed a declaration of the inventors directed to application 10/548,129. The papers were copied into this file on 31 March 2007.

On 19 September 2007, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) and a filing receipt indicating that the requirements under 35 USC 371(c)(1), (c)(2) and (c)(4) were satisfied on 25 January 2007.

On 06 January 2009, the Office mailed a non-final rejection, setting a three month shortened statutory period for response.

On 17 July 2009, the Office mailed Notice of Abandonment, indicating that the application went abandoned for failure to timely respond to the 06 January 2009 office action. The Notice was returned to the Office as undeliverable.

On 21 September 2009, applicants filed a petition under 37 CFR 1.182 to relocate the misdirected communications, in particular to remove them from 10/548,129 and to correct that application.

DISCUSSION

As indicated above, this application is abandoned. Applicants may wish to consider the filing of a petition under 37 CFR 1.137. Further, it is noted that the address of record is not the address that is listed on the last page of this petition. If the address of record is no longer valid, a change of address should be filed. As a courtesy, this decision is also being sent to the address on the petition.

The papers located in application 10/548,129 were copied into this application on 31 March 2007.

CONCLUSION

For the above reason, applicants' petition under 37 CFR 1.182 to relocate misdirected papers is **GRANTED**.

This application remains **ABANDONED**.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Phone: (571) 272-3292

Enc: Notice of Abandonment, mailed 17 July 2009 (2 pages)

cc: Thomas, Kayden, Horstemeyer & Risley, L.L.P.
600 Galleria Pkwy, Suite 1500
Atlanta, GA 30339

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Mail Date: 04/21/2010

Applicant	: Gianmario Bollano	: DECISION ON REQUEST FOR
Patent Number	: 7613608	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,058	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **846** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Hoon Han	: DECISION ON REQUEST FOR
Patent Number	: 7582477	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,071	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **378** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 05/18/2010

Applicant : Hoon Han
Patent Number : 7582477
Issue Date : 09/01/2009
Application No: 10/579,071
Filed : 05/11/2006

: 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 **411** 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).

29 JUN 2007

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

In re Application of GROUX et al :
U.S. Application No.: 10/579,078 :
PCT Application No.: PCT/IB2004/003882 :
Int. Filing Date: 05 November 2004 :
Priority Date Claimed: 12 November 2003 : DECISION
Attorney Docket No.: 065691-0443 :
For: USE OF LIPOPEPTIDES FOR :
ACTIVATING T LYMPHOCYTES :
THROUGH THE SKIN :

This is in response to applicant's "Petition Under 37 C.F.R. § 1.47(a)" filed 15 June 2007.

BACKGROUND

On 05 November 2004, applicant filed international application PCT/IB2004/003882, which claimed priority of an earlier France application filed 12 November 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 26 May 2005. The thirty-month period for paying the basic national fee in the United States expired on 12 May 2006.

On 11 May 2006, 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) and an executed declaration.

On 16 November 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that the declaration filed 11 May 2006 did not identify the application to which it is directed.

On 15 June 2007, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A review of the declaration filed 11 May 2006 reveals that it adequately identifies the application to which it is directed.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 16 November 2006 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 05 November 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 May 2006.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

09 JUL 2007

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

In re Application of GROUX et al
U.S. Application No.: 10/579,078
PCT Application No.: PCT/IB2004/003882
Int. Filing Date: 05 November 2004
Priority Date Claimed: 12 November 2003
Attorney Docket No.: 065691-0443
For: USE OF LIPOPEPTIDES FOR ACTIVATING T LYMPHOCYTES THROUGH THE SKIN

DECISION

This is in response to applicant's "Petition Under 37 C.F.R. § 1.47(a)" filed 15 June 2007.

BACKGROUND

On 05 November 2004, applicant filed international application PCT/IB2004/003882, which claimed priority of an earlier France application filed 12 November 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 26 May 2005. The thirty-month period for paying the basic national fee in the United States expired on 12 May 2006.

On 11 May 2006, 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) and an executed declaration.

On 16 November 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that the declaration filed 11 May 2006 did not identify the application to which it is directed.

On 15 June 2007, applicant filed the present petition under 37 CFR 1.47(a).

On 29 June 2007, this Office mailed a decision dismissing as moot the 15 June 2007 petition.

DISCUSSION

A review of the application file for international application PCT/IB2004/003382 reveals that the declaration under PCT Rule 4.17 was submitted subsequent to the date on which the international application papers were filed. The declaration does not properly identify the application to which it is directed.

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 a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

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 Herve Groux 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 Groux for signature (see affidavit of Jacques Warcoin, ¶5 and Attachment D). Furthermore, the petition sufficiently demonstrates Groux's refusal to sign. Specifically, Groux made an express written refusal on two occasions (see Warcoin's affidavit, ¶¶6,8 and Attachments E,H). Thus, it can be concluded with reasonable certainty that Groux refuses to join in the application.

With regard to item (3) above, applicant is advised that effective 22 November 2004, the fee for a petition under 37 CFR 1.47 increased to $200.00. Any deficiency in the petition fee will be charged to Deposit Account No. 19-0741 as authorized by applicant.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the decision mailed 29 June 2007 is VACATED.

The petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 05 November 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 16 June 2007.

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 Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

07/09/2007 SBASHEIK 00000004 190741 10579078
Sale Ref: 00000005 DA#: 190741 10579078
01 FC:1463 70.00 DA 130.00 OP

09 JUL 2007

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P.O. BOX 1450
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Herve Groux
13 chemin des Combes
06560 Le Rouret
FRANCE

In re Application of GROUX et al
U.S. Application No.: 10/579,078
PCT Application No.: PCT/IB2004/003882
Int. Filing Date: 05 November 2004
Priority Date Claimed: 12 November 2003
For: USE OF LIPOPEPTIDES . . .

Dear Herve Groux:

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 Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007
Attorney Docket No.: 065691-0443

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SEP 10 2009

OFFICE OF PETITIONS

LIPTON, WEINBERGER & HUSICK
P.O. BOX 203
EXTON, PA 19341

In re Application of
James A. Horton, et al.
Application No. 10/579,085
Filed: March 12, 2006
Attorney Docket No. 5557-2US

ON PETITION

This is a decision in response to the petition, filed June 25, 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 a failure to reply in a timely manner to a non-final Office action mailed July 1, 2008. A Notice of Abandonment was mailed on February 2, 2009. On June 25, 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) the reply in the form of an amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

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

The application is being referred to Technology Center AU 2111 for appropriate action by the Examiner in the normal course of business on the response filed June 25, 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

cc: LAWRENCE A. HUSICK
P.O. BOX 587
SOUTHEASTERN, PA 19399-0587

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HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE, 7TH FLOOR
SAN DIEGO, CA 92122

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OCT 23 2008

OFFICE OF PETITIONS

In re Application of :
Manzer DURRANI, et al :
Application No. 10/579,088 :
Filed: January 14, 2008 :
Attorney Docket No. 39042-0036 :

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 18, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Leslie B. Overman on behalf of all the attorneys of record associated with Customer No. 25213.

All the attorneys of record associated with Customer No. 25213 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.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MANZER DURRANI
8290 CLEARY BLVD., VILLA #2906
PLANTATION, FL 33324

cc: GOODWIN PROCTER LLP
ATTN:PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025-1105

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

MAILED

JUN 2 1 2010

OFFICE OF PETITIONS

In re Application of :
Manzer Durrani et al :
Application No. 10/579,088 : DECISION ON PETITION
Filed: January 14, 2008 : TO WITHDRAW
Attorney Docket No. 20695C-019800US : 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 May 11, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Jeffery P. Bernhardt does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Jeffery P. Bernhardt
555 Twelfth Street, NW
Washington, DC 20004-1206

DATE 2-13-08 APPLICATION NUMBER 10/579,092

DOC CODE PET.DEC.OIPE DOC DATE 2-13-08

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

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13 FEB 2008

Harness, Dickey & Pierce, P.L.C.
P.O. Box 8910
Reston, VA 20195

In re Application of
RHYMAN, Morgan
U.S. Application No.: 10/579,092
PCT No.: PCT/SE04/01595
International Filing Date: 04 November 2004
Priority Date: 14 November 2003
Attorney's Docket No.: 10400-000227/US
For: A DEVICE FOR CONNECTING TWO RIGID TUBULAR OBJECTS COMPRISING A MALE PART AND A FEMALE PART

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT (37 CFR 1.181)

This decision is issued in response to the "Petition Under 37 CFR § 1.181 to Withdrawal Holding Of Abandonment" filed on 31 December 2007. No petition fee is required.

BACKGROUND

On 04 November 2004, applicants filed international application PCT/SE04/01595 which claimed a priority date of 14 November 2003 and which designated the United States. On 26 May 2005, 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 payment of the basic national fee was 30 months from the priority date, i.e., 14 May 2006.

On 12 May 2006, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, among other materials, payment of the basic national fee, a copy of the international application, and a preliminary amendment.

On 14 December 2006, 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 20 December 2007, the DO/EO/US mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned with respect to the United States for failure to respond to the Notification Of Missing Requirements.

On 31 December 2007, applicant filed the petition considered herein. The petition asserts that applicants never received the Notification Of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 14 December 2006, and that the holding of abandonment should therefore be withdrawn.

DISCUSSION

Section 711.03(c)(II) of the MPEP sets forth the requirements for a grantable petition to confirm the failure to receive an Office communication:

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Here, the petition contains the required statements from the practitioner that the Notification Of Missing Requirements was not received and that a search of the file jacket and docket records indicates that the Notification Of Missing Requirements was not received. Applicants have also attached a copy of docket records which would have included a reference to the Notification Of Missing Requirements had such Notification been received.

Applicants have therefore satisfied the requirements of a grantable petition to establish the failure to receive the Notification Of Missing Requirements mailed 14 December 2006.

The declaration submitted by applicants with the present petition complies with 37 CFR 1.497 and the present submission also included the required surcharge payment. Accordingly, applicants have now submitted the requirements set forth in the Notification Of Missing Requirements.

CONCLUSION

Applicants' petition to confirm that the Notification Of Missing Requirements mailed 14 December 2006 was not received is **GRANTED**.

Applicant has now submitted the materials required by the Notification Of Missing Requirements, that is, a declaration acceptable under 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date. Accordingly, there is no need to re-mail the Notification Of Missing Requirements.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing treatment in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 31 December 2007.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Mail Date: 04/29/2010

Applicant	: Michel Strebelle	: DECISION ON REQUEST FOR
Patent Number	: 7612244	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/579,094	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **555** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MERCK AND CO., INC
P O BOX 2000
RAHWAY, NJ 07065-0907

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AUG 1 4 2008

OFFICE OF PETITIONS

In re Application of Bryan et al. :
Application No. 10/579,111 : Decision on Petition
Filing Date: May 11, 2006 :
Attorney Docket No. 21561P :

This is a decision on the petition under 37 CFR 1.181 filed May 5, 2008, requesting the Office withdraw the holding of abandonment.

The petition is **granted.**

The Office mailed a non-final Office action including a requirement for restriction/election on June 21, 2007. The Office action set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later).

The Office did not receive a reply to the June 21, 2007 Office action. As a result, a Notice of Abandonment was mailed March 17, 2008.

Petitioner contends the June 21, 2007 Office action was never received.

A review of the record indicates the evidence is sufficient to establish non-receipt of the June 21, 2007 Office action. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 1648 will be informed of the instant decision and the examiner will review the May 5, 2008 response to the restriction requirement filed by petitioner in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Jette E. Kristiansen, M.D.
Sundgade 54
Egernsund 6320
DENMARK

MAILED

JUL 13 2010

OFFICE OF PETITIONS

In re Application of Christensen et al. :
Application No. 10/579,112 : Decision on Petition
35 U.S.C. 371(c) Date: February 28, 2007 :
Attorney Docket No. ORSNE.001APC :

This is a decision on the petition under 37 CFR 1.137(b), filed March 8, 2010, to revive the above-identified application.

The petition is **granted**.

The Office issued a non-final Office action on January 29, 2009.

The Office received a reply to the non-final Office action on April 24, 2009.

The Office issued a Notice of Non-Compliant Amendment on June 18, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later).

Neither a reply nor a request for an extension of time was timely filed in response to the June 18, 2009 notice. As a result, the application became abandoned on Tuesday, July 21, 2009.

The Office issued a Notice of Abandonment on January 20, 2010.

The instant petition was filed March 8, 2001, and requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the Notice of Non-Compliant Amendment in the form of a new amendment. Petitioner has submitted the required petition fee of $810. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Although the petition is only signed by one of the inventors, the petition is properly signed in view of the power of attorney forms filed January 14, 2010.[1]

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

Technology Center Art Unit 1628 will be informed of the instant decision and the application will be further examined in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

[1] 37 CFR 1.31 states, "An applicant for patent may file and prosecute his or her own case, or he or she may give a power of attorney so as to be represented by one or more patent practitioners or joint inventors." *See also* 37 CFR 1.32(c)(1). MPEP 402.01 states, "Sometimes in an application naming joint inventors, one or more of the joint inventors gives to the other joint inventor(s) the power of attorney in the application. Such power will be recognized even though the one to whom it is given is not registered."

06 JUL 2007

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David A. Casimir
Medlen & Carroll
101 Howard Street
Suite 350
San Francisco CA 94105

In re Application of	:	
SAMMUT et al.	:	
Application No.: 10/579,119	:	DECISION
PCT No.: PCT/US2004/037947	:	
Int. Filing Date: 12 November 2004	:	
Priority Date: 12 November 2003	:	
Attorney Docket No.: SAMMUT-10964	:	
For: APPARATUS AND METHOD FOR CALCULATING AIMING POINT INFORMATION	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 19 June 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 12 November 2004, applicants filed international application PCT/US2004/037947, which designated the United States and claimed a priority date of 12 November 2003. A copy of the international application was communicated from the International Bureau to the USPTO on 26 May 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 May 2006.

On 10 May 2006, 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 12 January 2007, 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) and the surcharge under 37 CFR 1.492(h) were required.

On 19 June 2007, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a petition/fee for a three-month extension of time, the surcharge under 37 CFR 1.492(h), copies of letters sent to non-signing inventor Dickinson Buell, copies of United States Postal Service Certified Mail Return Receipts, and a copy of the declaration of inventors sent to Mr. Buell.

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 $200 has been charged to Deposit Account 08-1290.

Item (2) has not been met. The declaration of inventors sent to Mr. Buell for signing was insufficient. Although there are three joint inventors, the declaration identifies only Mr. Buell as an inventor. Each declaration must list all of the inventors. While multiple declarations, each signed by only one of several joint inventors, may be submitted, each declaration must be complete.

Item (3) has been met.

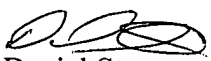
Item (4) has not been met. Again, the declaration does not list all of the inventors. While there are three joint inventors, only Mr. Sammut and Mr. Chao are listed on the declaration signed by them.

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).

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

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David A. Casimir
Medlen & Carroll
101 Howard Street
Suite 350
San Francisco CA 94105

In re Application of	:	
SAMMUT et al.	:	
Application No.: 10/579,119	:	DECISION
PCT No.: PCT/US2004/037947	:	
Int. Filing Date: 12 November 2004	:	
Priority Date: 12 November 2003	:	
Attorney Docket No.: SAMMUT-10964	:	
For: APPARATUS AND METHOD FOR CALCULATING AIMING POINT INFORMATION	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 09 October 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 12 November 2004, applicants filed international application PCT/US2004/037947, which designated the United States and claimed a priority date of 12 November 2003. A copy of the international application was communicated from the International Bureau to the USPTO on 26 May 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 May 2006.

On 10 May 2006, 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 12 January 2007, 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) and the surcharge under 37 CFR 1.492(h) were required.

On 19 June 2007, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a petition/fee for a three-month extension of time, the surcharge under 37 CFR 1.492(h), copies of letters sent to non-signing inventor Dickinson Buell, copies of United States Postal Service Certified Mail Return Receipts, and a copy of the declaration of inventors sent to Mr. Buell.

On 06 July 2007, a decision was mailed dismissing applicants' petition under 37 CFR

1.47(a) without prejudice. Specifically, it was noted that the declaration of inventors sent to Mr. Buell for signing was insufficient because it did not list all the inventors and that the executed declaration of inventors filed 19 June 2007 was insufficient because it did not list all the inventors.

On 09 October 2007, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a new declaration of inventors executed by Mr. Sammut and Mr. Chao.

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 noted in the decision mailed 06 July 2007, items (1) and (3) have been met.

Items (2) and (4) have now been met as well. As to item (2), although the declaration of inventors sent to Mr. Buell for signing did not list all the inventors, it is clear that Mr. Buell understands exactly what he is being asked to sign. MPEP § 409.03(d) 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.

CONCLUSION

For the reasons set forth above, applicants' renewed 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 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 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 **09 October 2007**.

/Daniel Stemmer/

Daniel Stemmer

Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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26 NOV 2007

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DICKINSON BUELL
310 CHERRY LANE, APARTMENT E
PHEONIX, OR 97535

In re Application of
SAMMUT et al.
Application No.: 10/579,119
PCT No.: PCT/US2004/037947
Int. Filing Date: 12 November 2004
Priority Date: 12 November 2003
Attorney Docket No.: SAMMUT-10964
For: APPARATUS AND METHOD FOR CALCULATING AIMING POINT INFORMATION

Dear Mr. Buell:

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 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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David A. Casimir
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2 3 NOV 2007

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New York NY 10281-2101

In re Application of	
ROWINSKY, Erin Keith et al.	
Application No.: 10/579,130	
PCT No.: PCT/US2004/035779	DECISION
Int. Filing Date: 28 October 2004	
Priority Date: 14 November 2003	ON PETITION UNDER
Docket No.: 4126-4041	
For: COMBINATION THERAPY COMPRISING THE USE OF ET-743 AND PACLITAXEL FOR TREATING CANCER	37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 13 August 2007.

BACKGROUND

On 28 October 2004, applicants filed international application no. PCT/US2004/035779, claiming a priority date of 14 November 2003. The deadline for payment of the basic national fee in the United States was 14 May 2006.

On 12 May 2006, applicants filed a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee.

On 11 January 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for the late filing of the search fee, examination fee or oath or declaration.

On 13 August 2007, applicants filed this petition under 37 CFR 1.47(a) accompanied by the fee for a five month extension of time.

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 met. (1) The petition fee of $200 has been paid. (3) The petition lists the last known address of non-signing inventor Eric Rowinsky as 180 Varick Street, New York, NY 10014 .

Item (2) has not been satisfied. The petition must supply proof that applicant refused to sign after

being presented with the application papers (specification, including claims, drawings, and oath or declaration). MPEP §409.03(d). The first mailing to the inventor included a copy of the application and the declaration, but the declaration listed only the nonsigning inventor. As the declaration listed an incorrect inventive entity, the inventor could not reasonably have been expected to sign it. The second presentation of the declaration was only on 03 August 2007 and requested that declaration be returned by 11 August 2007. That is an unreasonably short turnaround time and the second presentation was not accompanied by a copy of the application.

Item (4) has not been satisfied. The declaration is not in compliance with 37 CFR 1.497(a)-(b). While is it acceptable for inventors to execute separate copies of the declaration, the complete copy of the oath or declaration as executed by the inventor must be submitted to the Office. It is not permissible to piece together pieces of separately executed declarations to create a single composite declaration.

The Power of Attorney by the assignee is not sufficient to change the address in this application as applicants do not have an assignment for this application from the non-signing inventor. The priority application is not identical to this application. However, this decision will be copied to the correspondence address as a courtesy.

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. Extensions of time under 37 CFR 1.136(a) are available. 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 may be filed electronically via EFS-Web or if mailed 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

cc: KING & SPALDING
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-4003

16 JUN 2008

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KING & SPALDING
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-4003

In re Application of	:	
ROWINSKY, Erin Keith et al.	:	
Application No.: 10/579,130	:	
PCT No.: PCT/US2004/035779	:	DECISION
Int. Filing Date: 28 October 2004	:	
Priority Date: 14 November 2003	:	ON PETITION UNDER
Docket No.: 13566.105021	:	
For: COMBINATION THERAPY COMPRISING THE USE OF ET-743 AND PACLITAXEL FOR TREATING CANCER	:	37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 18 April 2008.

BACKGROUND

On 23 November 2007, the Office mailed Decision on Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

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 met. (1) The petition fee of $200 has been paid. (3) The petition now indicates the last known address of non-signing inventor Eric Rowinsky as 5 Robin Rd., Warren NJ 07059-5024.

Item (2) has now been satisfied. Applicants have sent a complete copy of the application papers, including the declaration, to the non-signing inventor's last known address and to his work address.

Item (4) has now been satisfied.

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 **18 April 2008**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

16 JUN 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Erin Rowinsky
5 Robin Rd.
Warren NJ 07059-5024

In re Application of
ROWINSKY, Erin Keith et al.
Application No.: 10/579,130
PCT No.: PCT/US2004/035779
Int. Filing Date: 28 October 2004
Priority Date: 14 November 2003
Docket No.: 13566.105021
For: COMBINATION THERAPY COMPRISING THE USE OF ET-743 AND PACLITAXEL FOR TREATING CANCER

Dear Mr. Rowinsky:

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 P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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Facsimile: 571-273-0459

KING & SPALDING
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-4003

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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

Mail Date: 04/21/2010

Applicant	: Junfeng Zhang	: DECISION ON REQUEST FOR
Patent Number	: 7630320	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,131	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **786** 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.

29 NOV 2007

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James C. Lydon
100 Daingerfield Road
Suite 100
Alexandria, Va 22314

In re Application of :
NURMI, et al. :
Application No.: 10/579,137 :
PCT No.: PCT/FI04/00678 : DECISION ON PETITION
Int. Filing Date: 15 November 2004 :
Priority Date: 18 November 2003 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: TUR-181 :
For: NUCLEIC ACID AMPLIFICATION ASSAY :
AND ARRANGEMENT THEREOF :

The petition to revive under 37 CFR 1.137(b) filed 05 September 2007 in the above-captioned application is hereby **DISMISSED AS MOOT** as follows:

On 07 February 2007, applicant was mailed a NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES (Form PCT/DO/EO/922) informing applicant that a copy of the "Sequence Listing" in computer readable form which complied with 37 CFR 1.821-1.825 was required. Applicant was afforded two months to file a proper response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 05 September 2007, applicant filed the present petition to revive. Applicant is advised that the above-captioned application was not abandoned as of 05 September 2007 as the five-month extendable period of reply did not expire until 07 September 2007. A review of applicant's submission shows that a proper reply has been submitted. Applicant has provided a payment of $1500.00. This payment will be applied to the five-month extension of time fee payment and the remaining $730.00 will be charged to deposit account number 50-1258.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for continued processing, including, if proper, the mailing of a "Notification of Acceptance (Form PCT/DO/EO/903).

11/29/2007 SBASHEIR 00000003 501258 10579137
Sale Ref: 00000003 DA#: 501258 10579137
01 FC:1255 730.00 DA 1500.00 OP

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
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JAMES C. LYDON
100 DAINGERFIELD ROAD
SUITE 100
ALEXANDRIA VA 22314

MAILED

FEB 01 2010

OFFICE OF PETITIONS

In re Application of :
Jussi Nurmi et al. :
Application No. 10/579,137 : DECISION ON PETITION
Filed: May 15, 2006 :
Attorney Docket No. **TUR-181** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2009, to revive the above-identified application.

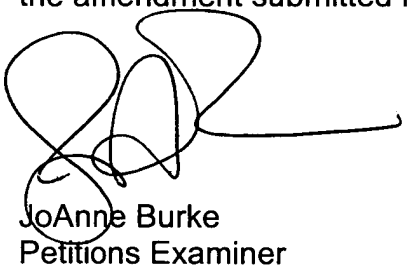
The petition is **GRANTED**.

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 12, 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). A one (1) 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 September 13, 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 $1,620; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1637 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.



JoAnne Burke
Petitions Examiner
Office of Petitions

09 JUN 2006

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

In re Application of RASSOULIAN	:	
U.S. Application No.: 10/579,138	:	
PCT Application No.: PCT/GB03/05062	:	DECISION
Int. Filing Date: 20 November 2003	:	
Priority Date Claimed: 21 November 2002	:	
Attorney Docket No.: 2-424	:	
For: ARM SUPPORTS	:	

This is in response to applicant's "Petition Under Rule 1.137(b) to Revive Unintentionally Abandoned Application" filed 15 May 2006.

BACKGROUND

On 20 November 2003, applicant filed international application PCT/GB03/05062, which claimed priority of an earlier United Kingdom application filed 21 November 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 03 June 2004. The thirty-month period for paying the basic national fee in the United States expired on 21 May 2005.

International application PCT/GB03/05062 became abandoned as to the United States for failure to timely pay the basic national fee.

On 15 May 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

With regard to item (1), applicant has provided the required 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 prosecuting this case (i.e. filing the declaration and paying the filing fee) 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 20 November 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 May 2006.

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

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NEEDLE AND ROSENBURG, PC
SUITE 1000
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ATLANTA, GA 30309-3915

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JUL 15 2008

OFFICE OF PETITIONS

Applicant: Huesca, et al.
Appl. No.: 10/579149
International Filing Date: November 14, 2004
Title: ARYL IMIDAZOLES AND THEIR USE AS ANIT-CANCER AGENTS
Attorney Docket No.: 13198-0007UI
Pub. No.: 2007/0123553 A1
Pub. Date: May 31, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on July 30, 2007, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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26 FEB 2007

CONNOLLY BOVE LODGE & HUTZ, LLP
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WILMINGTON DE 19899

In re Application of: HILLER, Margit, et al.
U.S. Application No.: 10/579,164
PCT No.: PCT/EP2004/012787
International Filing Date: 11 November 2004
Priority Date: 17 November 2003
Attorney's Docket No.: 13838-00005-US
For: METHOD FOR PRODUCING FLEXOGRAPHIC PRINTING FORMS BY THERMAL DEVELOPMENT

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicants' 06 June 2006 submission of a declaration in which the name of the first inventor has been changed, treated herein as a petition under 37 CFR 1.182 to correct the name of this inventor. Deposit Account No. 03-2775 will be charged the required petition fee.

BACKGROUND

On 11 November 2004, applicants filed international application PCT/EP2004/012787. The international application claimed a priority date of 17 November 2003, and it designated the United States. On 02 June 2005, 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., 17 May 2006.

On 12 May 2006, 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 a translation of the international application into English.

On 06 June 2006, applicants filed the declaration considered herein. The declaration identified the first inventor as "Margit Teltschik (former Hiller)." The name of record for this inventor, as set forth on the published international application, is Margit HILLER.

DISCUSSION

Section 605.04(b) of the Manual Of Patent Examining Procedure ("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 from

> the typewritten version 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, the surname of the first inventor is listed as "HILLER" on the published international application and as "Teltschik (former Hiller)" on the declaration. This is more than a mere typographical error or a phonetic misspelling of the applicant's name. Accordingly, the submission of this declaration has been treated as a petition under 37 CFR 1.182 to correct the name of record for this inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order." Applicants are also "strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name."

Here, applicants' submission included the authorization to charge Deposit Account No. 03-2775 for required fees. Based on this authorization, the Deposit Account will be charged the requisite petition fee of $400 (as well as the $130 surcharge for filing the declaration later than thirty months after the priority date). However, applicants have not submitted the required statement from the inventor (or court order) confirming the name change and the procedure whereby the name was changed (for example, by marriage).

Because applicants have failed to submit all the requirements for a grantable petition, correction of the inventor's name on the present record is inappropriate. Accordingly, the declaration filed 06 June 2006, which identifies the first inventor as Margit TELTSCHIK, is defective for failure to properly identify the inventors of record herein.

It is also noted that the declaration filed 06 June 2006 consists of one copy of pages 1, 2 and 3, and two different copies of page 4. The document therefore appears to be a compilation of two separately executed declarations, and as such is not in a form acceptable under 37 CFR 1.497. See MPEP § 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." Any materials submitted in response to this decision must include complete copies of the declarations executed by each of the inventors herein.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **DISMISSED** without prejudice. The declaration submitted by applicants on 06 June 2006 is defective for failure to properly identify the inventors of record.

In addition, the declaration is defective in that it appears to be an unacceptable compilation of two declarations.

Any request for reconsideration on the merits must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any such response must include the statement required for a grantable petition under 37 CFR 1.182 regarding the change of the inventor's name and the procedure whereby the change of name was effected, as discussed above and in the MPEP, as well as complete copies of the declarations executed by the inventors herein. Such submission should also included a corrected application data sheet that lists the correct name for the first inventor.

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 the Mail Stop PCT, Commissioner for Patents, 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
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

16 APR 2008

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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

In re Application of: TELTSCHIK, Margit, et al.
U.S. Application No.: 10/579,164
PCT No.: PCT/EP2004/012787
International Filing Date: 11 November 2004
Priority Date: 17 November 2003
Attorney's Docket No.: 13838-00005-US
For: METHOD FOR PRODUCING FLEXOGRAPHIC PRINTING FORMS BY THERMAL DEVELOPMENT

DECISION ON RENEWED PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Request For Correction Of Inventorship" filed 29 May 2007, treated herein as a renewed petition under 37 CFR 1.182 to correct the name of the first inventor herein. No additional petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the Decision mailed herein on 26 February 2007. That decision dismissed applicants' petition to change the name of the first inventor from Margit HILLER to Margit TELTSCHIK for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had not provided the required statement from the inventor regarding the name change. In addition, the decision noted that the declaration materials filed herein were not acceptable in that they appeared to be a compilation of multiple documnets.

On 29 May 2007, applicants filed the "Request For Correction Of Inventorship" considered herein as a renewed petition under 37 CFR 1.182 (with required extension fee).

DISCUSSION

The present submission includes the required statement from the inventor at issue in which this inventor confirms that her name has changed from Margit HILLER to Margit TELTSCHIK as a result of marriage. This satisfies the final requirement for a grantable petition under 37 CFR 1.182 to change the name of record for this inventor.

The present submission also includes complete copies of the four-page declaration executed by each of the inventors, resolving the compilation defect discussed in the previous decision. In addition, based on the above correction of the first inventor's name, the declaration is no longer defective for failure to properly identify the inventors of record herein.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.182 is **GRANTED**.

The name of record for the inventor identified in the international application as Margit HILLER is changed to Margit TELTSCHIK.

Based on the correction of the inventor's name, the complete declarations submitted by applicants on 29 May 2007 can be accepted under 37 CFR 1.497.

The 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 29 May 2007.

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06 JUL 2006

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

In re Application of	:	DECISION ON
Burra V.L.S. Prasad	:	
Application No.: 10/579,171	:	
PCT No.: PCT/IB2003/003444	:	
Int. Filing Date: 18 June 2003	:	PETITION UNDER
Priority Date: NA	:	
Attorney's Docket No.: BB-168	:	
For: METHOD OF IDENTIFYING AND/OR...	:	
ACTIVE MACROMOLECULE	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION UNDER 37 C.F.R. 1.137(b) FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY," filed on 12 May 2006. The required fee of $65.00 (the surcharge under 1.492(h) for late filing of the executed declaration) has been charged to petitioner's Deposit Account.

BACKGROUND

On 18 June 2003, this international application was filed. 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 December 2005. This international application became abandoned with respect to the United States at midnight on 18 December 2005 for failure to pay the required basic national fee.

On 12 May 2006, applicant 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 the basic national fee, an executed declaration and the petition 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**.

The required fee of $65.00 (the surcharge under 1.492(h) for late filing of the declaration) has been charged to Deposit Account No.: 19- 0065 as authorized in the petition.

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 **12 May 2006.**

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1 0 NOV 2008

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of ENDOU et al.	:	DECISION ON
Application No.: 10/579,173	:	
PCT No.: PCT/JP04/16761	:	RESPONSE TO
Int. Filing: 11 November 2004	:	
Priority Date: 14 November 2003	:	NOTIFICATION OF
Attorney Docket No.: 65445	:	
For: REMEDY/PREVENTIVE FOR VASCULAR DISORDERS AND HYPERTENSION AND METHOD OF SCREENING THE SAME	:	DEFECTIVE RESPONSE

This decision is in response to applicant's "Letter Accompanying Substitute Declaration" filed in response to the 01 August 2008 Notification of Defective Response on 04 September and 16 October 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 08 January 2007, a Notification of Missing Requirements was mailed to applicant indicating that, *inter alia*, 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 07 March 2007, a Response to the Notification of Missing Requirements (Form PCT/DO/EO/905) was filed in the USPTO accompanied by three executed declarations. Each declaration identified only some of the four inventors listed on the published international application and was not in compliance with 37 CFR 1.497. The declaration set forth a two month time period within which to respond, with extensions of time available under 37 CFR 1.136(a).

On 01 August 2007, a Notification of Defective Response was mailed indicating that "all inventors must be identified on each oath and/or declaration". The notification provided applicant with one month within which to respond or the time remaining under the 905 (or by 07 October 2007).

On 04 September 2007, applicant submitted a multi-page declaration. The declaration

was comprised of Pages 1-3 and 3 Page 4s; each page executed by different inventors.

On 16 October 2007, in an attempt to rectify the declaration, applicant submitted a copy of the declaration, again containing multiple page 4s of the declaration. The Application Data Sheet was also submitted.

On 05 November 2008, a Notification of Defective Response was mailed indicating that applicant "must submit a complete declaration when inventors sign separate signature pages", noting that applicant had filed duplicate copies of page 4 of the declaration.

DISCUSSION

The 05 November 2008 Notification of Defective Response was erroneously issued, as such Notification had previously been issued on 01 August 2007 and set forth a one month period of time within which to respond or the time remaining in the Notification of Missing Requirements (or by 07 October 2007). Therefore, the 05 November 2008 Notification of Defective Response is hereby **VACATED**.

The declaration submitted on 04 September 2007 is identical to the declaration submitted on 16 October 2007. The declaration is a four page declaration; however, the declaration is comprised of 6 pages: one Page 1, one Page 2, one Page 3, and three Pages marked "4". The pages are executed by different inventors. The declaration appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." *See* MPEP 201.03(II)(B)."[1] The declaration are unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met.

---

[1] MPEP 201.03 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. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. 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).

Since the time limit under the 905 has expired and applicant has not provided a proper reply; that is; a new acceptable oath or declaration executed by and identifying the four inventors and in compliance with 37 CFR 1.497(a) and (b), the application is abandoned.

CONCLUSION

The 05 November 2008 Notification of Defective Response is **VACATED**.

The application is **ABANDONED**. The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of Notification of Abandonment (Form PCT/DO/EO/909).

A petition to revive the unintentionally abandoned application under 37 CFR 1.137(b) may be filed with the proper reply. The proper reply is a complete executed oath or declaration, identifying and executed by all four inventors, in compliance with 37 CFR 1.497(a) and (b), to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

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.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

06 FEB 2009

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United States Patent and Trademark Office
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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of ENDOU et al.	:	DECISION ON
Application No.: 10/579,173	:	
PCT No.: PCT/JP04/16761	:	PETITION UNDER
Int. Filing: 11 November 2004	:	
Priority Date: 14 November 2003	:	37 CFR 1.137(b)
Attorney Docket No.: 65445	:	
For: REMEDY/PREVENTIVE FOR VASCULAR DISORDERS AND HYPERTENSION AND METHOD OF SCREENING THE SAME	:	

The petition to revive under 37 CFR 1.137(b) filed 04 December 2008 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).

A review of the application file reveals that executed declarations, in compliance with 37 CFR 1.497(a) and (b) have now been provided. The required petition fee of $1620 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 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 04 December 2008.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant	: Peter J. Milner	: DECISION ON REQUEST FOR
Patent Number	: 7608006	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,183	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **380** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JAMES C. LYDON
100 DAINGERFIELD ROAD
SUITE 100
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Ilkka Jutila	: DECISION ON REQUEST FOR
Patent Number	: 7661429	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,207	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **682** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,211	05/12/2006	Toshihiko Shirasagi	SON-3162	6592

23353 7590 02/19/2010
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER	
VERDERAME, ANNA L	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
02/19/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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wk

Mailed: FEB 19 2010

In re application of
Shirasagi et al.
Serial No. 10/579,211
Filed: May 12,20062
For: Manufacturing Method Of Master Disc For Optical Disc, And Master Disc For Optical Disc

DECISION ON PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on December 14, 2009 to withdraw the final status of the office action dated November 4, 2009.

A review of the file shows that a Non-Final Office Action was mailed September 3, 2008. Claims 1-2, 4-5, 8 and 10 were rejected over Kouchiyama et al. '88 or Kouchiyama et al, '99 in view of Miura et al. An additional 103 rejection was made to claims 1-10 over Kouchiyama et al. '88 or Kouchiyama et al, '99 in view of Saito et al., Yamada et al. and Lee et al.

Applicants responded to this rejection on December 3, 2008. Claims 1 and 7 were amended and claims 2, 3, 8 and 9 were cancelled.

The Examiner issued a Final Rejection on February 18, 2009. Claims 1, 4-7 and 10 were rejected under 35 USC 103 over Kouchiyama et al. '88 or Kouchiyama et al, '99 in view of Saito et al., Yamada et al. and Lee et al. Paragraph 2 of the Final Office Action dated February 18, 2009 cites the same rejection as paragraph 3 of the Non-Final Office Action dated September 3, 2008.

Applicants assert that paragraph 2 of the Non-Final Office Action dated September 3, 2008 failed to include a rejection of either original claim 3 or original claim 9. However it should be noted that paragraph 3 does reject claims 1-10, which encompasses original claim 3 and original claim 9.

Applicants assert that the Final Office Action of November 4, 2009 includes a new ground of rejection to claim 1 and 7. The Office Action of November 4, 2009 rejects claims 1, 4-7 and 10 under 35 USC 103 over Kouchiyama et al. '88 in view of Saito et al., Yamada et al. and Lee et al. Applicants assert that Kouchiyama '88 was substituted for Kouchiyama '91. A review of the record doesn't indicate a substitution. The pervious rejection was Kouchiyama "88 or Kouchiyama'91 in view of Saito et al., Yamada et al. and Lee et al. There is no substitution of references.

Applicants also assert that the Notice of Panel Decision decided the finality of claims 1 and 7 with the Final office Action of February 18, 2009 to be premature and withdrawn. The record only indicates the rejection is withdrawn and a new Office action will be mailed.

DECISION

The petition for withdrawal of finality is **DENIED.**

The response period will continue to run from the mail date of the office action of November 4, 2009.

/Jacqueline M. Stone/

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

Christopher M. Tobin
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

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

Mail Date: 04/22/2010

Applicant	: Michelle L. Hudack	: DECISION ON REQUEST FOR
Patent Number	: 7651746	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,215	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Heller Ehrman LLP
1717 Rhode Island Ave. NW
Washington D.C. 20036-3001

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OFFICE OF PETITIONS

In re Application of :
Gunter Hoelzemann et al. :
Application No. 10/579,222 : DECISION ON PETITION
Filed: May 12, 2006 : TO WITHDRAW
Attorney Docket No. 24945-0034.US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 5, 2006.

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

A review of the file record indicates that the power of attorney to Heller Ehrman LLP has been revoked by the assignee of the patent application on November 28, 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: **Ronald J. Kamis**
Baker & Daniels
805 15th Street, N.W.
Suite 700
Washington DC 20005

09 JUN 2008

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23373
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

In re Application of
KOSTIAINEN *et al*
U.S. Application No.: 10/579,225
PCT No.: PCT/FI2004/000683
Int. Filing Date: 15 November 2004
Priority Date: 14 November 2003
Attorney Docket No.: Q94898
For: METHOD AND APPARATUS FOR MASS SPECTROMETRIC ANALYSIS

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 24 March 2008.

BACKGROUND

On 12 May 2006, applicants filed papers to enter the national stage of PCT/FI2004/000683.

On 24 March 2008, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by three of the four named inventors on behalf of the nonsigning inventor; a $130.00 petition fee; a declaration by Anu Leinonen; exhibits A - D; and authorization to charge any required fees to counsel's Deposit Account.

DISCUSSION

Applicants claim that co-inventor, Seppo Martilla, refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventors cannot be located or refuse to cooperate; (3) a statement of the last known addresses of the nonsigning joint inventors; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventors.

Applicants submitted a $130.00 petition fee. The petition fee is $200.00. The $70.00 difference has been charged to Deposit Account No. 19-4880 as authorized. The last known address of the nonsigning inventor is listed. A declaration signed by three of the four named inventors was provided. This declaration complies with 37 CFR

1.497(a) and (b). Hence, items (1), (3) and (4) are satisfied.

Regarding item (2), the declaration by Mr. Leinonen declares that he submitted a complete copy of the subject application to the nonsigning inventor on 08 May 2006. Mr. Leinonen states that the inventor expressly refused to cooperate in the subject application the next day (09 May 2006) via the telephone.

A review of exhibit B (the English translation of the cover letter dated 08 May 2006) does not indicate that a complete copy of the application (specification, claims and drawings) were included in the documents forwarded to Mr. Martilla. There is also no documentary evidence (such as postal receipts, etc.) of receipt of the documents by the nonsigning inventor. The method used by Mr. Leinonen to forward the documents to the nonsigning inventor is not even discussed in his declaration.

As indicated in section 409.03(d) of the MPEP, 37 CFR 1.47(a) applicants are required to provide a complete copy of the subject application (specification, claims and drawings) to the nonsigning inventor before any refusal can be accepted. Documentary evidence that the nonsigning inventor received these documents are also required.

The statements by Mr. Leinonen submitted in the initial petition without corroborating evidence is not sufficient. As such, the purported oral refusal by Mr. Martilla is not accepted. Item (2) of 37 CFR 1.47(a) is not yet complete.

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. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

07 OCT 2008

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23373
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

In re Application of :
KOSTIAINEN *et al* :
U.S. Application No.: 10/579,225 :
PCT No.: PCT/FI2004/000683 :
Int. Filing Date: 15 November 2004 : **DECISION**
Priority Date: 14 November 2003 :
Attorney Docket No.: Q94898 :
For: METHOD AND APPARATUS FOR :
MASS SPECTROMETRIC ANALYSIS :

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 08 August 2008.

BACKGROUND

On 09 June 2008, a decision dismissing applicants' 37 CFR 1.47(a) petition was mailed. Applicants were given two months to respond.

On 08 August 2008, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a supplemental declaration by Anu Leinonem, and other documentary evidence in support of the renewed petition.

DISCUSSION

Applicants' petition under 37 CFR 1.47(a) was dismissed for failing to show that a complete copy of the above-captioned application including specification, claims and drawings were presented to the nonsigning inventor. As such, the purported oral refusal by the nonsigning inventor could not be accepted. All other requirements of 37 CFR 1.47(a) were satisfied in the initial petition.

In the renewed petition, the 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the nonsigning inventor on 18 June 2008 by mail. The documents provided to Seppo Marttila included instructions that a response was due within ten days of receipt of the letter and that failure to respond would be considered as a refusal to cooperate.

On 19 June 2008, Mr. Marttila sent an email to Mr. Leinonem expressly refusing to cooperate in the above-captioned application. Copies of the email along with an

English translation was provided. This evidence constitutes a refusal to cooperate as contemplated by section 409.03(d) of the MPEP. Applicants have now provided sufficient evidence to meet the requirements of item (2) of 37 CFR 1.47(a).

Accordingly, 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 15 November 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 24 March 2008.

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

07 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mr. Seppo Marttila
Maaniituntie 16
01900 Nurmijärvi
Finland

In re Application of
KOSTIAINEN *et al*
U.S. Application No.: 10/579,225
PCT No.: PCT/FI2004/000683
Int. Filing Date: 15 November 2004
Priority Date: 14 November 2003
Attorney Docket No.: Q94898
For: METHOD AND APPARATUS FOR
MASS SPECTROMETRIC ANALYSIS

Mr. Marttila:

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.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

U.S. Counsel: SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Koji Hotta	: DECISION ON REQUEST FOR
Patent Number	: 7598566	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,228	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **430** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,241	03/12/2007	Takeshi Taguchi	46884-5478	7819

7590 08/01/2008

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER	
GEISEL, KARA E	

ART UNIT	PAPER NUMBER
2877	

MAIL DATE	DELIVERY MODE
08/01/2008	PAPER

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.

Betty Powell

Patent Publication Branch
Office of Data Management

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MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS, MN 55458-1336

Mail Date: 04/21/2010

Applicant	: Elliot Altman	: DECISION ON REQUEST FOR
Patent Number	: 7601511	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,248	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/28/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **93** 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/14/08

TO SPE OF : ART UNIT 2873 Mack Ricky (Spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/579295 Patent No.: 7399080

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

Certificates of Correction Branch

703-308-9390 ext. _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: Corrections do not modify the meaning or scope of the claims. Amendments are Approved-JRG

/Ricky Mack/

SPE

2873

Art Unit

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BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Athanassios Tzikas	: DECISION ON REQUEST FOR
Patent Number	: 7641724	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,364	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **447** 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.

12 SEP 2006

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MORRIS MANNING & MARTIN LLP
1600 ATLANTA FINANCIAL CENTER
3343 PEACHTREE ROAD, NE
ATLANTA GA 30326-1044

In re Application of	:	
Thompson et al.	:	
Application No.: 10/579,366	:	DECISION
PCT No.: PCT/US04/29140	:	
Int. Filing Date: 08 September 2004	:	ON
Earlier Priority Date: 08 September 2003	:	
Attorney Docket No.: 16489-55172	:	PETITION
For: System And Method For The Distribution Of Information	:	

This is in response to the petition to revive under 37 CFR 1.137(b) filed 08 May 2006 and the correspondence filed on 27 June 2006.

BACKGROUND

International application PCT/US04/29140 was filed on 08 September 2004 and claimed an earlier filing date of 08 September 2003. The time period for payment of the basic national fee in the United States expired as of midnight on 08 March 2006. This international application became abandoned with respect to the national stage in the U.S. for failure to timely pay the basic national fee in this international 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; (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 reason for abandonment of this international application with respect to the national stage in the United States was that the basic national fee had not been timely filed and matched with this case. The fee has now been paid. Inspection of the petition under 37 CFR 1.137(b) filed on 08 May 2006 reveals that it refers to international application number "PCT/US2004/025707," as does the Transmittal Letter also filed on 08 May 2006. However, the instant application appears to instead correspond to international application number PCT/US04/29140. The correspondence filed on 27 June 2006 includes "replacement" pages of the Transmittal Letter and petition under 37 CFR 1.137(b) referring to international application PCT/US04/29140, rather than international application number PCT/US04/25707. As such, it would now be appropriate to consider the basic national fee to have been matched with this national stage application.

Regarding requirement (2), the petition fee has been paid.

Regarding requirement (3), petitioner has provided an appropriate statement.

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

DECISION

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

This application is being forwarded to the National Stage Processing Branch for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

George M. Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

09 JUN 2006

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Jason D. Shanske
Iandiorio & Teska
260 Bear Hill Road
Waltham, MA 02451

In re Application of	:	
MILTON	:	
U.S. Application No.: 10/579,367	:	DECISION ON PETITION
PCT No.: PCT/EP03/02628	:	
Int. Filing Date: 23 September 2004	:	UNDER 37 CFR 1.137(b)
Priority Date: 23 September 2003	:	
Attorney Docket No.: GJ-279J	:	
For: APPARATUS FOR REFURBISHING USED CORES FOR ROLLS OF MATERIAL	:	

The petition to revive under 37 CFR 1.137(b) filed 15 May 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 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 a compliant, executed oath or declaration of the inventor is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
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14 AUG 2006

DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND NJ 07068

In re Application of	:	
STOCK et al.	:	
Application No.: 10/579,369	:	DECISION ON
PCT No.: PCT/US03/07658	:	
Int. Filing Date: 13 March 2003	:	PETITION UNDER
Priority Date: 13 March 2002	:	
Attorney Docket No.: 18016-23	:	37 CFR 1.137(b)
For: MODULATION OF PROTEIN METHYLATION	:	
AND PHOSPHOPROTEIN PHOSPHATE	:	

This decision is in response to applicant's submission filed 15 May 2006.

BACKGROUND

On 13 March 2003, applicant filed international application PCT/US03/07658 which designated the U.S. and claimed a priority date of 13 March 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 25 September 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 September 2004.

On 15 May 2006, 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, a declaration of the inventors, and a petition under 37 CFR 1.137(b) to revive the application.

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 15 May 2006.

As to item (2), applicant submitted the petition fee on 15 May 2006.

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.

Declaration of Inventors

The declaration of inventors filed 15 May 2006 is in compliance with 37 CFR 1.497(a)-(b). It has been construed that the names Jeffry Stock, as appears on the published international application, and Jeffry B. Stock, as appears on the declaration filed 15 May 2006, refer to the same person. If this interpretation is incorrect, applicants are required to notify the Office of PCT Legal Administration immediately.

The surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage is required has been charged to Deposit Account 50-1358.

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.

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

1 4 APR 2008

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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of	:	
STOCK et al.	:	
Application No.: 10/579,369	:	DECISION
PCT No.: PCT/US2003/007658	:	
Int. Filing Date: 13 March 2003	:	
Priority Date: 13 March 2002	:	
Attorney's Docket No.: SIGNUM 3.3-005	:	
For: MODULATION OF PROTEIN METHYLATION	:	
AND PHOSPHOPROTEIN PHOSPHATE	:	

This decision is in response to applicants' petition under 37 CFR 1.182 to change the order of names of the joint inventors filed 05 February 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 March 2003, applicants filed international application PCT/US2003/007658, which designated the U.S. and claimed a priority date of 13 March 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 25 September 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 September 2004.

On 15 May 2006, 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 petition to revive under 37 CFR 1.137(b), and an Application Data Sheet listing the inventors in the order they appear in the published international application.

On 14 August 2006, a decision was mailed granting applicants' petition under 37 CFR 1.137(b).

On 06 November 2006, a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) was mailed according the application a 35 U.S.C. 371 date of 15 May 2006.

On 05 February 2008, applicants submitted the instant petition under 37 CFR 1.182 requesting to change the order of names of the joint inventors.

DISCUSSION

The petition filed 05 February 2008 requests that order of the names of the inventors be changed to list Jeffry B. STOCK as the first named inventor Gregory STOCK as the second named inventor, Maxwell STOCK as the third named inventor, and Scott VAFAI as the fourth named inventor. As noted in MPEP § 605.04(f), since the particular order in which the names appear is of no consequence insofar as the legal rights of the joint applicants are concerned, no changes will be made except when a petition under 37 CFR 1.182 is granted. The petition fee has been paid. The order of the names has been changed.

CONCLUSION

The petition under 37 CFR 1.182 to change the order of the names of the inventors is **GRANTED** for the reasons set forth above.

/Daniel Stemmer/

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

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Koki Tanaka	: DECISION ON REQUEST FOR
Patent Number	: 7608337	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,372	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

16 JUL 2010

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of	:	
DAGAN	:	
Application No.: 10/579,384	:	
PCT No.: PCT/IL04/01061	:	
Int. Filing Date: 18 November 2004	:	DECISION
Priority Date: 20 November 2003	:	
Atty. Docket No.: 06259/LH	:	
For: PRESSURIZED OPEN LOOP	:	
FREEZE PROTECTED INTEGRAL...	:	

This is a decision on applicant's "PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED APLICATION" filed in the U.S. Patent and Trademark Office (USPTO) on 18 November 2009. The petition is **DISMISSED** without prejudice as discussed below.

BACKGROUND

On 18 November 2004, applicant filed international application No. PCT/IL04/01061 which claimed a priority date of 20 November 2003, and which designated the United States.

The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee expired 30 months from the priority date, i.e. 20 May 2006.

On 11 May 2006, 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. Subsequently, on 13 December 2007, applicant filed a declaration of the inventor.

On 25 February 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 05 November 2009, applicant filed a letter of "EXPRESS ABANDONMENT UNDER 37 CFR 1.138."

On 18 November 2009, applicant filed the present petition.

DISCUSSION

Applicant alleges that the abandonment of the present application was unintentional. However, a review of the application file reveals that the application became abandoned through the specific act of filing of a letter requesting that the application be expressly abandoned. As such, the abandonment cannot be held at this time to be unintentional.

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

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281

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ROCKWELL AUTOMATION, INC./FAY
ATTENTION: SUSAN M. DONAHUE, E-7F19
1201 SOUTH SECOND STREET
MILWAUKEE, WI 53204

Mail Date: 04/21/2010

Applicant	: Gregg M. Sichner	: DECISION ON REQUEST FOR
Patent Number	: 7581053	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,400	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **491** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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220 MASSACHUSETTS AVENUE
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OFFICE OF PETITIONS

In re Application of :
Baeschlin, et al. :
Application No. 10/579,427 : ON APPLICATION FOR
Filed: May 12, 2006 : PATENT TERM ADJUSTMENT
Atty Docket No. 33522-US-PCT :

This is in response to the PETITION REGARDING PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b), filed June 12, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is greater than 465 days[1], not four hundred sixty-five(465) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

1. Applicant fails to note that this period is calculated based on delay in issuance 3 years after national stage commencement under 35 U.S.C. 371(b).

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

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

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

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

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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NOVARTIS INSTITUTES FOR
BIOMEDICAL RESEARCH, INC.
220 MASSACHUSETTS AVENUE
CAMBRIDGE MA 02139

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DEC 23 2009

OFFICE OF PETITIONS

In re Patent No. 7,582,782 :
Baeschlin, et al. :
Application No. 10/579,427 : ON APPLICATION FOR
Issued: September 1, 2009 : PATENT TERM ADJUSTMENT
Filed: May 12, 2006 :
Atty Docket No. 33522-US-PCT :

This is in response to the PETITION REGARDING PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d), filed October 21, 2009. Patentees request that the determination of patent term adjustment be corrected from four hundred sixty-five (465) days to five hundred seventy-seven (577) days.

The request for reconsideration of patent term adjustment is **DISMISSED** with respect to making any change in the patent term adjustment determination under 35 U.S.C. § 154(b) of 465 days

On September 1, 2009, the above-identified application matured into U.S. Patent No. 7,582,782 with a revised patent term adjustment of 465 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 465-day patent term adjustment includes a period of adjustment of 98 days pursuant to 37 CFR 1.702(b) for the Office taking in excess of three years to issue the patent. Patentees dispute the calculation of this 465-day period.

Patentees argue that the period of adjustment for Office failure to issue the patent within three years is 112 days, not 98 days. In addition, patentees assert that pursuant to 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), that a PTO delay under §154(b)(1)(A) overlaps with a delay under §154(b)(1)(B) only if the delays "occur on the same day."

Patentees contend that since the days calculated under 37 C.F.R. §1.703(a)(1)(483 days) and 37 C.F.R. § 1.703(b)(112 days) do not occur on the same day that they do not overlap and therefore, the correct days charged against the USPTO under § 1.702(a)(1) and § 1.702(b) is five hundred ninety-five (595) days. (Thus, given the applicant delay of 18 days, patentees contend that the patent should have issued with a revised patent term adjustment of 577 (595 - 18) days.

The Office does not concur with patentees' calculation of the over three-year period or patentees' definition of overlap.

First of all, the over three-year period is 98 days, not 112 days. This application was pending three years and 98 days (not 112 days) after the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, May 26, 2006. In asserting a period of delay of 112 days, patentees fail to consider that this application is a national stage application[1].

Accordingly, the period of adjustment under § 1.702(b) for over three year pendency is 98 days, counting the number of days beginning on May 27, 2009 and ending on September 1, 2009, the date the patent issued.

Secondly, the Office does not agree with patentees' interpretation of the overlap provision. It is the Office's position that the period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the application filing date overlap with the actual dates in the periods accorded for Office delay during the pendency of the application. The relevant overlap provision, 35 U.S.C. 154(b)(2)(A), limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 37 CFR 1.703(f) provides that:

---

[1] Patentees are informed that the Three Year Delay period is triggered by the application's commencement date, not the § 371 fulfillment date. Patentees incorrectly calculate this as a 112 day period based on the application having fulfilled requirements under 35 U.S.C. §371 on May 12, 2006, and the patent issuing on September 1, 2009.

> 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).

Further, as stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was

pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding §1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the period during which the application was pending before the Office beginning on the commencement date, May 26, 2006, and ending on the date of issuance of the patent, September 1, 2009(not including any other periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)).

Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1), 483 days of patent term adjustment were accorded during the pendency of the application for Office delay. Pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b), 98 days of patent term adjustment accrued for Office issuance of the patent more than 3 years after the filing date of the application.

The 98 days of patent term adjustment under 37 CFR 1.702(b) overlap with the 483 days of patent term adjustment under 37 CFR 1.702(a)(1). Entry of both the 98 days and the 483 days is neither permitted nor warranted. 483 days is the actual number of days issuance of the patent was delayed.

Accordingly, at issuance, the Office properly entered 0 additional days of adjustment pursuant to § 1.702(b) for a total of the greater period of 483 days for Office delay.

In view thereof, no change will be made in the patent term adjustment of 465 days (483 days of Office delay - 18 days of applicant delay).

Pursuant to patentees' authorization, the $200.00 fee set forth in 37 CFR 1.18(e) will be charged to deposit account no. 50-4409. No additional fees are required.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.
220 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139

Mail Date: 04/21/2010

Applicant	: Daniel Kaspar Baeschlin	: DECISION ON REQUEST FOR
Patent Number	: 7582782	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,427	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **549** 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.

12 JUN 2006

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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902-0902
MINNEAPOLIS MN 55402

In re Application of AL-KHAYAT et al.	:	
Application No.: 10/579,433	:	
PCT No.: PCT/GB04/04720	:	DECISION ON
Int. Filing: 08 November 2004	:	
Priority Date: 07 November 2003	:	PETITION UNDER
Attorney Docket No.: 20073.0013USWO	:	
For: AN AC POWER GENERATING SYSTEM	:	37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 15 May 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the abandonment and the entire delay from May 7, 2006, until the filing of this petition and the U.S. National Stage application was unintentional" has been interpreted as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

A review of the application file reveals that the basic national fee of $300 has been provided. The required petition fee of $1500 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(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
Facsimile: (571) 273-0459

24 AUG 2006

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23643
BARNES & THORNBURG
11 South Meridian Street
Indianapolis, IN 46204

In re Application of
WANG
U.S. Application No.: 10/579,435
PCT No.: PCT/CN2004/001304
Int. Filing Date: 15 November 2004
Priority Date: 18 November 2003
Attorney Docket No.: 42505-200124
For: CAR ROOF OF VEHICLE

DECISION

This is a decision on the papers filed on 09 August 2006.

BACKGROUND

On 15 May 2006, applicants filed papers for entry into the national stage of PCT/CN2004/001304 which included the large entity fees of $900.00 for a national stage application.

On 09 August 2006, applicants filed a document titled "Assertion of Entitlement to Small Entity Status and Request for Refund."

DISCUSSION

In the papers filed 09 August 2006, applicants requested small entity status and a refund of one-half the $900.00 fees paid. 37 CFR 1.28 (a) states, in part that:

> 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.

Applicants submitted the change in status to a small entity on 09 August 2006 which is within the three-month time period required as the transmittal letter was filed

10/579,435

15 May 2006.

CONCLUSION

Applicants' request for a refund pursuant to 37 CFR 1.28(a) is **GRANTED**.

Counsel's Deposit Account No. 10-0435 has been credited $450.00.

The above-captioned application will be forwarded to the DO/EO/US for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

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DEC 23 2009

OFFICE OF PETITIONS

In re Application of
Masatada NUMANO, et *al.*
Application No. 10/579,442
Filed: May 15, 2006
Attorney Docket No. **050395-0373**

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 23, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 2, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1793 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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

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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

Mail Date: 04/21/2010

Applicant	: Hideaki Kuwabara	: DECISION ON REQUEST FOR
Patent Number	: 7575965	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,443	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **471** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

ELIAS BORGES
SUTIE 406
555 BURNHAMTHORPE ROAD
TORONTO ON M9C 2Y3 CA CANADA

In re Application of	:	
Anatoly Arov	:	
Application No. 10/579,462	:	ON PETITION
Filed: May 15, 2006	:	
Attorney Docket No. 02-2433	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed September 28, 2009.

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

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed February 17, 2009. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on May 18, 2009. The Office mailed a Notice of Abandonment on June 12, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of the issue fee.

The application is being forwarded to the Office of Data Management for processing into a patent.

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

Cliff Congo
Petitions Attorney
Office of Petitions

20 JUN 2006

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FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

In re Application of:
KIM, Yang-Suk, et al.
U.S. Application No.: 10/579,504
Int'l Application No: PCT/KR2004/002117
Int'l Filing Date: 23 August 2004
Priority Date: 30 August 2003
Attorney Docket No.: 5740.P0001US
For: A SYSTEM FOR ANALYZING BIO CHIPS USING GENE ONTOLOGY AND A METHOD THEREOF

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 15 May 2006 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" satisfies the requirement 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 United States of America.

The 15 May 2006 submission included an executed declaration in compliance with 37 CFR 1.497. Deposit Account No. 06-1382 will be charged the surcharge for filing this declaration later than thirty months after the priority date.

This application is being referred 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 15 May 2006.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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27 AUG 2007

GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
EXCHANGE PLACE
BOSTON MA 02109-2881

In re Application of FISHER et al.	:
Application No.: 10/579,513	: DECISION ON
PCT No.: PCT/US04/38130	:
Int. Filing: 15 November 2004	: RENEWED PETITION
Priority Date: 14 November 2003	:
Attorney Docket No.: KCK-002	:UNDER 37 CFR 1.47(a)
For: DEEP WELL IRRIGATION PUMP	:

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 24 May 2007, to accept the application without the signature of joint inventor, Abdilkadir Musa.

BACKGROUND

On 12 May 2006, 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 28 February 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), was required.

On 24 May 2007, applicant filed a petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor, Abdilkadir Musa alleging that Mr. Musa 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(g), (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 satisfied Item (1).

With respect to Item (2) above, Petitioner provided the 20 April 2007 letter statement of Anne Lantey, Manager, Human Resources & Administration for KickStart (assignee), in support of the petition under 37 CFR 1.47(a). Ms. Lantey states that she "mailed a letter to his post office box on August 1, 2006. Mr. Musa has not replied to our request to contact us".

It is clear from her statement and the copy of her letter to Mr. Musa (attached to the statement) that Ms. Lantey did not send a complete copy of the patent application along with declaration to Mr. Musa's last known address. Moreover, although Ms. Lantey states that she has made numerous other attempts to contact Mr. Musa, the details of these contacts (date, time, place) regarding Mr. Musa's refusal to sign the application were not provided. *See* MPEP 409.03(d) below. Furthermore, the proof of presentation of the application papers was not provided.

From the evidence presented, it is clear that Ms. Lantey did not provide inventor Musa with a complete copy of the application papers, including *specification, claims and drawings* and declaration. What is required is that Mr. Musa be presented with a copy of all of the national stage application papers (oath and declaration, specification, including claims and drawings) for this application.

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. 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.)

With respect to Item (3), the nonsigning inventor's last known address has not been provided.

With regard to Item (4), the declaration is not executed by all the joint inventors. Specifically, Mohammed Swaleh is identified as an inventor in the published international application (PCT/US04/38130) but is not identified as an inventor on the declaration. Petitioner has not presented evidence from the International Bureau that Ms. Swaleh was removed as an inventor from the international application. Thus, the declaration is not in compliance with 37 CFR 1.497(a) and (b) and is unacceptable. A newly executed declaration is required, in compliance with 37 CFR 1.497(a) and (b).

In sum, Petitioner has satisfied Items (1). However, Petitioner has not satisfied Item (2), (3) and (4) by demonstrating: (1) a *bona fide* attempt was made to present a *copy of the application papers for U.S. application 10/579,513 (specification, including claims, drawings, and declaration)* to the nonsigning inventor for his signature; (2) Mr. Musa's refusal to sign, either in writing or by telephone, these documents: (3) by providing a declaration, in compliance with 37 CFR 1.497(a) and (b), executed by all the joint inventors and (4) by providing the last known address of the nonsigning inventor.

For the reasons set forth above, the evidence submitted does not support a finding that the nonsigning inventor refuses 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
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459

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30 JAN 2008

GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
EXCHANGE PLACE
BOSTON MA 02109-2881

In re Application of FISHER et al.
Application No.: 10/579,513
PCT No.: PCT/US04/38130
Int. Filing: 15 November 2004
Priority Date: 14 November 2003
Attorney Docket No.: KCK-002
For: DEEP WELL IRRIGATION PUMP

: DECISION ON
: RENEWED PETITION
:UNDER 37 CFR 1.47(a)
: and PETITION
: UNDER 37 CFR 1.497(d)

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 27 November 2007, to accept the application without the signature of joint inventor, Abdilkadir Musa. Petitioner requests a one month extension of time, which is granted.

BACKGROUND

On 12 May 2006, 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 28 February 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), was required.

On 24 May 2007, applicant filed a petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor, Abdilkadir Musa alleging that Mr. Musa refuses to sign the application.

On 27 August 2007 a decision was mailed dismissing the petition indicating, *inter alia*, that Petitioner had not provided sufficient evidence regarding the nonsigning inventor's refusal to sign the application papers.

On 27 November 2007, applicant filed the renewed petition with an executed declaration along with a petition under 37 CFR 1.497(d).

DISCUSSION

Applicant has now filed a declaration executed by the previous non signing inventor

MUSA. Thus, the petition under 37 CFR 1.47(a) is dismissed as Moot.

U.S. application number 10/579,513 is the national stage application of PCT application PCT/US04/38130. Applicants entering the national stage in the U.S. are required to file an oath or declaration of the inventor in accordance with 37 CFR 1.497(a) and (b). The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.

The declarations submitted do not comply with 37 CFR 1.497(a) and (b) because the declarations do not identify all of the inventors identified in the international application PCT/US04/38130. Specifically, inventor Mohammed SWALEH is not named as an inventor on any of the declarations submitted in this application. Thus, the declarations are not executed by all the joint inventors.

Mohammed SWALEH is identified as an inventor in the published international application (PCT/US04/38130) but is not identified as an inventor on the declaration. Petitioner has not presented evidence from the International Bureau that Mr. SWALEH was removed as an inventor from the international application.

Applicant now attempts to delete inventor SWALEH with the submission of a petition under 37 CFR 1.497(d) to delete inventor[1]. Petitioner provided the statement, signed by Mohammed SWALEH stating "I am the inventor of the subject matter of one or more claims originally presented in the International (PCT) Patent Application PCT/US04/38130. I am not an inventor of the subject matter of any of the claims entered by Preliminary Amendment on May 12, 2006." This is not a statement that the error in inventorship in the international application occurred without deceptive intent on his part. Inventor SWALEH was correctly named as an inventor in the PCT application. His statement does not satisfy item (1) of 37 CFR 1.497(d).

37 CFR 1.41(d) states, in pertinent part: "The *inventorship* of an international application entering the national stage under 35 U.S.C. 371 is that *inventorship set forth in the international application*, which includes any change effected under PCT Rule 92bis". (Emphasis added.) Since the inventors listed on the published international application were not identified on the declarations submitted in the national phase application on 24 May 2007 and 27 November 2007 as required by 37 CFR 1.41(d) and do not meet the requirements of 37 CFR 1.497(a) and (b), the

---

[1]37 CFR 1.497(d) states, in part: 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 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) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

declarations are not acceptable. A newly executed declaration is required, in compliance with 37 CFR 1.497(a) and (b).

After filing a declaration(s) in compliance with 37 CFR 1.497(a) and (b), in light of the preliminary amendments filed in this application, applicant may wish to pursue a petition under 37 CFR 1.48(b).

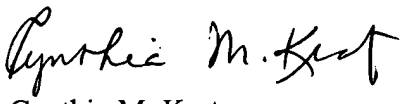
CONCLUSION

For the reasons discussed above, the submission under 37 CFR 1.497(d) to delete MOHAMMED SWALEH as inventor is hereby **DISMISSED**

For the reasons set forth above, the renewed petition under 37 CFR §1.47(a) is **DISMISSED AS MOOT**.

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 1.497(d)". 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.



Cynthia M. Kratz
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0 3 JUL 2008

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GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
EXCHANGE PLACE
BOSTON MA 02109-2881

In re Application of FISHER et al.	:
Application No.: 10/579,513	: DECISION ON
PCT No.: PCT/US04/38130	:
Int. Filing: 15 November 2004	: RENEWED PETITION
Priority Date: 14 November 2003	:
Attorney Docket No.: KCK-002	:UNDER 37 CFR 1.497(d)
For: DEEP WELL IRRIGATION PUMP	:

This is a decision on applicant's Renewed Petition under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office (USPTO) on 30 April 2008. Petitioner requests a one month extension of time, which is granted.

BACKGROUND

The history of this application has been set forth in the decision mailed on 30 January 2008 and will not be related here. The 30 January 2008 decision indicated that applicant had failed to satisfy the requirements of 37 CFR 1.497(d) to delete Mohammed SWALEH who was identified as an inventor in the published international application (PCT/US04/38130) but was not identified as an inventor on the declaration.

DISCUSSION

Applicant has now filed declarations which comply with 37 CFR 1.497(a) and (b). The newly executed declarations identify all of the inventors identified in the international application PCT/US04/38130 including inventor Swaleh.

Applicant renews his request to delete inventor SWALEH under 37 CFR 1.497(d)[1]. As

[1] 37 CFR 1.497(d) states, in part: 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 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) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

set forth in the 30 January 2008 decision, Mohammed SWALEH statement indicates "I am the inventor of the subject matter of one or more claims originally presented in the International (PCT) Patent Application PCT/US04/38130. I am not an inventor of the subject matter of any of the claims entered by Preliminary Amendment on May 12, 2006." This is not a statement that the error in inventorship in the international application occurred without deceptive intent on his part. Inventor SWALEH was correctly named as an inventor in the PCT application. His statement does not satisfy item (1) of 37 CFR 1.497(d).

In light of the preliminary amendments filed in this application, applicant may wish to pursue a petition under 37 CFR 1.48(b).

CONCLUSION

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.497(d) to delete MOHAMMED SWALEH as inventor is hereby **DISMISSED**.

The declaration submitted on 30 April 2008 is in compliance with 37 CFR 1.497(a) and (b). 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 30 April 2008.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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Facsimile: (571)273-0459

25 SEP 2008

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of: CANCE ET AL.	:	DECISION
U.S. Application No.: 10/579,529	:	
PCT Application No.: PCT/US04/38363	:	ON
Int. Filing Date: 17 November 2004	:	
Priority Date: 17 November 2003	:	PETITION
Atty Docket No.: 69774(49163)	:	
For: METHODS AND COMPOSITIONS FOR INDUCING APOPTOSIS	:	UNDER
	:	
	:	37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 24 April 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant has submitted the requisite petition fee, the required reply in the form of a computer readable form of the sequence listing, the required statement that the contents of the paper copy and computer readable copy of the sequence listing are identical, a statement that the materials do not include new matter, an amendment requesting entry into the specification, and the required statement of unintentional delay.

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.

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

Katherine Moran
PCT Special Programs, Detailee
Office of PCT Legal Administration
Telephone: (571) 272-6095

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

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NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

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OFFICE OF PETITIONS

In re Application of
Fabio MARIONI, et al
Application No. 10/579,536
Filed: February 13, 2007
Attorney Docket No. HAMM0011UPCTUS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 7, 2009 and supplemented February 15, 2010.

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 Richard Neifeld on behalf of all the attorneys of record associated with Customer No. 31518.

All the attorneys of record associated with Customer No. 31518 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: FABIO MARIONI
MEDIA LARIO, SRL,
23842 BOSISIO PARINI
ITALY

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/579,536	02/13/2007	Fabio Marioni	HAMM0011UPCTUS

CONFIRMATION NO. 8474

POWER OF ATTORNEY NOTICE

31518
NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA, VA 22304

OC000000040226049

Date Mailed: 02/23/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/07/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

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

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4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

In re Application of :
BRADDOCK, Walter D. :
Application No. 10/579,537 : DECISION ON PETITION
Filed: May 16, 2006 : TO WITHDRAW
Attorney Docket No. **OSEMDB15UPCTUS** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 22, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Richard Neifeld on behalf of all attorneys of record who are associated with customer No. 31518. All attorneys/agents associated with the Customer Number 31518 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

The application became abandoned for failure to respond to an office action mailed August 21, 2008.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **DAVID BRADDOCK, IV**
1128 FIRST STREET NE
ROCHESTER MN 55901

cc: **OSEMI, INC.**
250 HIGHWAY 19
RED WING 55066

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

Mail Date: 04/20/2010

Applicant	: Nikolai Mykola Ignatyev	: DECISION ON REQUEST FOR
Patent Number	: 7576242	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,555	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **326** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ELI LILLY & COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS, IN 46206-6288

Mail Date: 04/20/2010

Applicant	: Jianliang Lu	: DECISION ON REQUEST FOR
Patent Number	: 7582775	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,564	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **53** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

Mail Date: 04/21/2010

Applicant	: Dieter Reichel	: DECISION ON REQUEST FOR
Patent Number	: 7574963	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,574	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **374** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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In re Application of :
DENG, Guoshun :
Application No. 10/579,577 : DECISION ON PETITION
Filed: April 26, 2007 : TO WITHDRAW
Attorney Docket No. **97481** : 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 09, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).
The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

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 Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **POLSINELLI SHALTON FLANIGAN SUELTHAUS PC**
ATTN: MR. TIMOTHY J. KEEFER
TWO PRUDENTIAL PLAZA
180 N. STETSON AVENUE
SUITE 4525
CHICAGO, IL 60601

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1650 ARCH STREET
PHILADELPHIA, PA 19103

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Patent No. 7,372,425 :
Issue Date: May 13, 2008 :
Application No. 10/579,582 : NOTICE
Filed: May 13, 2008 :
Attorney Docket No. NOV055-236673 :

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

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

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

This 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.

A courtesy copy of this decision is being mailed to the address listed on the request.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: BUCHANAN INGERSOLL & ROONEY PC
POST OFFICE BOX 19248
ALEXANDRIA, VA 22320

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

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Bernd Kusel	: DECISION ON REQUEST FOR
Patent Number	: 7624857	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,585	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **868** 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
DIW Jun-08

ZHIHAO LIN
14 KEHOE COURT
PRINCETON JUNCTION NJ 08550

COPY MAILED

JUN 0 9 2008

In re Application of :
He et al. : LETTER DISMISSING
Application Number: 10/579597 : PETITION
Filing Date: 05/17/2006 :
Attorney Docket Number: OCT 001 :

This is a decision on the "REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 CFR 1.181," filed on April 2, 2008.

The petition is **DISMISSED** for the reasons stated below.

The petition cannot be considered on the merits because it is unsigned. Specifically, 37 CFR 1.4 requires that all papers filed in the USPTO must be signed by either a registered patent attorney or all of the inventors in an application. As this application contains an executed declaration listing Fan He, Zhihao Lin, and Yue Yao as the joint inventors, the petition must be signed by all of the inventors or their registered patent attorney.

A properly signed reply should be submitted within **one (1) month** of the mailing of this decision.

This application became abandoned on February 21, 2008, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on November 20, 2007, which set a three (3) month statutory period for reply. On February 21, 2008, the issue and publication fees were filed. On March 18, 2008, a Notice of Abandonment was mailed, stating that the fees had been received after the expiration of the statutory period for their payment.

Petitioners assert that the fees were timely filed on February 14, 2008, and have presented a priority mail signature

confirmation sheet allegedly showing that the fee payment was mailed on February 14, 2008.
The U.S. Patent and Trademark Office (Office) file is the official record of the papers filed in this application. A review of the papers filed reveals that no reply to the Notice of Allowance and Fee(s) Due mailed on November 20, 2007, was timely received in the USPTO. Rather, the showing of record is that the fee payment was filed on February 21, 2008. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The fact that petitioner believes that the reply was (or should have been) timely received in the Office, is not more persuasive than the date the papers are shown to have been received in the official file.

In this regard, it is noted that there is no provision in the rules or statutes for according the date that a paper is deposited in the USPS as certified or priority mail as date the paper is filed in the Office.

Further, in this regard, petitioners could have utilized the Certificate of Mailing procedure described at 37 CFR 1.8. Had petitioners properly followed the aforementioned procedure, petitioner could have avoided the predicament which has now arisen. It is petitioner's burden to supply, under the rules of practice, sufficient evidence to establish that the reply asserted to have been deposited with the U.S. Postal Service on February 14, 2008, was actually entrusted to the U.S. Postal Service on that date. See Krahn v. Comm'r, 15 USPQ2d 1823, 1825 (D.C. E.D. Va. 1990). At best, the showing of record reveals petitioners' intent to timely reply to the Notice of Allowance and Fee(s) Due.

As petitioners have not provided persuasive evidence that that the issue and publication fee payment was timely filed, the petition must be dismissed.

It is suggested that petitioner file a petition to revive the application under 37 CFR 1.137(b). A copy of the petition form, and fee schedule is enclosed for petitioner's assistance.

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

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

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

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

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

/DWood/

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64
Fee Schedule

PTO/SB/64 (01-08)
Approved for use through 06/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____	_____
Signature	Date
_____	_____
Typed or printed name	Registration Number, if applicable
_____	_____
Address	Telephone Number
_____	
Address	

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____	_____
Date	Signature
	_____
	Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE
Effective September 30, 2007 *

Any fee amount paid on or after September 30, 2007, must be paid as shown in the revised fee schedule.
The fees subject to reduction for small entities that have established status (37 CFR 1.27) are shown in a separate column.
For additional information, please call the USPTO Contact Center at (571) 272-1000 or (800) 786-9199.

* The effective date for the fee amounts for PCT fee codes 1602 and 1604 is November 9, 2007.
The effective date for the fee amount for Trademark fee code 7212 is November 10, 2007.
The effective date for the fee amounts for PCT fee codes 1701, 1702, and 1710 is November 15, 2007.

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
Patent Application Filing Fees				
1011/2011	1.16(a)(1)	Basic filing fee - Utility ***filed on or after December 8, 2004***	310.00	155.00
4011†	1.16(a)(1)	Basic filing fee - Utility (electronic filing) ***filed on or after December 8, 2004***	N/A	75.00
1001/2001	1.16(a)(2)	Basic filing fee - Utility ***filed before December 8, 2004***	810.00	405.00
1201/2201	1.16(h)	Independent claims in excess of three	210.00	105.00
1202/2202	1.16(i)	Claims in excess of 20	50.00	25.00
1203/2203	1.16(j)	Multiple dependent claim	370.00	185.00
1051/2051	1.16(f)	Surcharge - Late filing fee or oath or declaration	130.00	65.00
1081/2081	1.16(s)	Utility Application Size Fee - for each additional 50 sheets	260.00	130.00
1012/2012	1.16(b)(1)	Basic filing fee - Design ***filed on or after December 8, 2004***	210.00	105.00
1002/2002	1.16(b)(2)	Basic filing fee - Design ***filed before December 8, 2004***	360.00	180.00
1017/2017	1.16(b)(1)	Basic filing fee - Design (CPA) ***filed on or after December 8, 2004***	210.00	105.00
1007/2007	1.16(b)(2)	Basic filing fee - Design (CPA) ***filed before December 8, 2004***	360.00	180.00
1082/2082	1.16(s)	Design Application Size Fee - for each additional 50 sheets	260.00	130.00
1013/2013	1.16(c)(1)	Basic filing fee - Plant ***filed on or after December 8, 2004***	210.00	105.00
1003/2003	1.16(c)(2)	Basic filing fee - Plant ***filed before December 8, 2004***	570.00	285.00
1083/2083	1.16(s)	Plant Application Size Fee – for each additional 50 sheets	260.00	130.00
1014/2014	1.16(e)(1)	Basic filing fee - Reissue ***filed on or after December 8, 2004***	310.00	155.00
1004/2004	1.16(e)(2)	Basic filing fee - Reissue ***filed before December 8, 2004***	810.00	405.00
1019/2019	1.16(e)(1)	Basic filing fee - Design Reissue (CPA) ***filed on or after December 8, 2004***	310.00	155.00
1009/2009	1.16(e)(2)	Basic filing fee - Design Reissue (CPA) ***filed before December 8, 2004***	810.00	405.00
1204/2204	1.16(h)	Reissue independent claims in excess of three	210.00	105.00
1205/2205	1.16(i)	Reissue claims in excess of 20	50.00	25.00
1084/2084	1.16(s)	Reissue Application Size Fee – for each additional 50 sheets	260.00	130.00
1005/2005	1.16(d)	Provisional application filing fee	210.00	105.00
1085/2085	1.16(s)	Provisional Application Size Fee - for each additional 50 sheets	260.00	130.00
1052/2052	1.16(g)	Surcharge - Late provisional filing fee or cover sheet	50.00	25.00
1053	1.17(i)	Non-English specification	130.00	
Patent Search Fees				
1111/2111	1.16(k)	Utility Search Fee	510.00	255.00
1112/2112	1.16(l)	Design Search Fee	100.00	50.00
1113/2113	1.16(m)	Plant Search Fee	310.00	155.00
1114/2114	1.16(n)	Reissue Search Fee	510.00	255.00
Patent Examination Fees				
1311/2311	1.16(o)	Utility Examination Fee	210.00	105.00
1312/2312	1.16(p)	Design Examination Fee	130.00	65.00
1313/2313	1.16(q)	Plant Examination Fee	160.00	80.00
1314/2314	1.16(r)	Reissue Examination Fee	620.00	310.00
Patent Post-Allowance Fees				
1501/2501	1.18(a)	Utility issue fee	1,440.00	720.00
1502/2502	1.18(b)	Design issue fee	820.00	410.00
1503/2503	1.18(c)	Plant issue fee	1,130.00	565.00
1511/2511	1.18(a)	Reissue issue fee	1,440.00	720.00
1504	1.18(d)	Publication fee for early, voluntary, or normal publication	300.00	
1505	1.18(d)	Publication fee for republication	300.00	

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

†The 4000 series fee code may be used via EFS-Web at *www.uspto.gov/ebc/efs/.*

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
Patent Maintenance Fees				
1551/2551	1.20(e)	Due at 3.5 years	930.00	465.00
1552/2552	1.20(f)	Due at 7.5 years	2,360.00	1,180.00
1553/2553	1.20(g)	Due at 11.5 years	3,910.00	1,955.00
	1.20(h)	Surcharge - Late payment within 6 months	130.00	65.00
1557	1.20(i)(1)	Surcharge after expiration - Late payment is unavoidable	700.00	
1558	1.20(i)(2)	Surcharge after expiration - Late payment is unintentional	1,640.00	
Miscellaneous Patent Fees				
1801/2801	1.17(e)	Request for Continued Examination (RCE) (see 37 CFR 1.114)	810.00	405.00
1808	1.17(i)	Processing fee, except in provisional applications	130.00	
1803	1.17(i)	Request for voluntary publication or republication	130.00	
1802	1.17(k)	Request for expedited examination of a design application	900.00	
1804	1.17(n)	Request for publication of SIR - Prior to examiner's action	920.00*	
1805	1.17(o)	Request for publication of SIR - After examiner's action	1,840.00*	
1806	1.17(p)	Submission of an Information Disclosure Statement	180.00	
1807	1.17(q)	Processing fee for provisional applications	50.00	
1809/2809	1.17(r)	Filing a submission after final rejection (see 37 CFR 1.129(a))	810.00	405.00
1810/2810	1.17(s)	For each additional invention to be examined (see 37 CFR 1.129(b))	810.00	405.00
Post Issuance Fees				
1811	1.20(a)	Certificate of correction	100.00	
1812	1.20(c)(1)	Request for ex parte reexamination	2,520.00	
1813	1.20(c)(2)	Request for inter partes reexamination	8,800.00	
1821/2821	1.20(c)(3)	Reexamination independent claims in excess of three	210.00	105.00
1822/2822	1.20(c)(4)	Reexamination claims in excess of 20	50.00	25.00
1814/2814	1.20(d)	Statutory disclaimer	130.00	65.00
Patent Extensions of Time Fees				
1251/2251	1.17(a)(1)	Extension for response within first month	120.00	60.00
1252/2252	1.17(a)(2)	Extension for response within second month	460.00	230.00
1253/2253	1.17(a)(3)	Extension for response within third month	1,050.00	525.00
1254/2254	1.17(a)(4)	Extension for response within fourth month	1,640.00	820.00
1255/2255	1.17(a)(5)	Extension for response within fifth month	2,230.00	1,115.00
Patent Appeals/Interference Fees				
1401/2401	41.20(b)(1)	Notice of appeal	510.00	255.00
1402/2402	41.20(b)(2)	Filing a brief in support of an appeal	510.00	255.00
1403/2403	41.20(b)(3)	Request for oral hearing	1,030.00	515.00
Patent Petition Fees				
1462	1.17(f)	Petitions requiring the petition fee set forth in 37 CFR 1.17(f) (Group I)	400.00	
1463	1.17(g)	Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group II)	200.00	
1464	1.17(h)	Petitions requiring the petition fee set forth in 37 CFR 1.17(h) (Group III)	130.00	
1451	1.17(j)	Petition to institute a public use proceeding	1,510.00	
1452/2452	1.17(l)	Petition to revive unavoidably abandoned application	510.00	255.00
1453/2453	1.17(m)	Petition to revive unintentionally abandoned application	1,540.00	770.00
1454	1.17(t)	Acceptance of an unintentionally delayed claim for priority, or for filing a request for the restoration of the right of priority	1,410.00	
1455	1.18(e)	Filing an application for patent term adjustment	200.00	
1456	1.18(f)	Request for reinstatement of reduced term	400.00	
1457	1.20(j)(1)	Extension of term patent	1,120.00	
1458	1.20(j)(2)	Initial application for interim extension (see 37 CFR 1.790)	420.00	
1459	1.20(j)(3)	Subsequent application for interim extension (see 37 CFR 1.790)	220.00	

* Reduced by basic filing fee paid.

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
PCT Fees - National Stage				
1631/2631	1.492(a)	Basic National Stage Fee	310.00	155.00
1641/2641	1.492(b)(2)	National Stage Search Fee - U.S. was the ISA	100.00	50.00
1642/2642	1.492(b)(3)	National Stage Search Fee - search report prepared and provided to USPTO	410.00	205.00
1632/2632	1.492(b)(4)	National Stage Search Fee - all other situations	510.00	255.00
1633/2633	1.492(c)(2)	National Stage Examination Fee - all other situations	210.00	105.00
1614/2614	1.492(d)	Claims - extra independent (over three)	210.00	105.00
1615/2615	1.492(e)	Claims - extra total (over 20)	50.00	25.00
1616/2616	1.492(f)	Claims - multiple dependent	370.00	185.00
1681/2681	1.492(j)	National Stage Application Size Fee - for each additional 50 sheets	260.00	130.00
1617/2617	1.492(h)	Oath or declaration after 30 months from priority date	130.00	65.00
1618	1.492(i)	English translation after 30 months from priority date	130.00	
PCT Fees - International Stage				
1601	1.445(a)(1)	Transmittal fee	300.00	
1602	1.445(a)(2)	Search fee - regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16)	1,800.00	
1604	1.445(a)(3)	Supplemental search fee when required, per additional invention	1,800.00	
1605	1.482(a)(1)	Preliminary examination fee - U.S. was the ISA	600.00	
1606	1.482(a)(1)	Preliminary examination fee - U.S. was not the ISA	750.00	
1607	1.482(a)(2)	Supplemental examination fee per additional invention	600.00	
1619		Late payment fee	VARIABLE	
1621		Transmitting application to Intl. Bureau to act as receiving office	300.00	
PCT Fees to Foreign Offices *				
1701		International filing fee (first thirty pages) - PCT Easy	1,080.00	
1702		International filing fee - (first thirty pages)	1,163.00	
1703		Supplemental international filing fee (for each page over thirty)	12.00	
1704		International search (EPO)	2,197.00	
1705		Handling fee	155.00	
1706		Handling fee – 75% reduction, if applicant(s) meets criteria specified at: *www.wipo.int/pct/en/fees/fee_reduction.pdf*	38.75	
1708		International CD applications	4,800.00	
1709		International search (KIPO)	232.00	
1710		International filing fee (first 30 pages) – filed electronically w/ PCT Easy file	997.00	
Patent Enrollment Fees				
9001	1.21(a)(1)(i)	Application fee (non-refundable)	40.00	
9003	1.21(a)(2)	Registration to practice or grant limited recognition under §11.9(b) or (c)	100.00	
9004	1.21(a)(3)	Reinstatement to practice	40.00	
9005	1.21(a)(4)	Certificate of good standing as an attorney or agent	10.00	
9006	1.21(a)(4)	Certificate of good standing as an attorney or agent, suitable for framing	20.00	
9010	1.21(a)(1)(ii)(A)	For test administration by commercial entity	200.00	
9011	1.21(a)(1)(ii)(B)	For test administration by the USPTO	450.00	
9012	1.21(a)(5)(i)	Review of decision by the Director of Enrollment and Discipline under §11.2(c)	130.00	
9013	1.21(a)(5)(ii)	Review of decision of the Director of Enrollment and Discipline under §11.2(d)	130.00	
9014	1.21(a)(10)	Application fee for person disciplined, convicted of a felony or certain misdemeanors under §11.7(h)	1,600.00	

* PCT Fees to Foreign Offices are subject to periodic change due to fluctuations in exchange rates. Refer to the *Official Gazette of the United States Patent and Trademark Office* for current amounts.

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

Fee Code	37 CFR	Description	Fee
Patent Service Fees			
8001	1.19(a)(1)	Printed copy of patent w/o color, delivery by USPS, USPTO Box, or electronic means	3.00
8003	1.19(a)(2)	Printed copy of plant patent in color	15.00
8004	1.19(a)(3)	Color copy of patent (other than plant patent) or SIR containing a color drawing	25.00
8005	1.19(a)(1)	Patent Application Publication (PAP)	3.00
8007	1.19(b)(1)(i)(A)	Copy of patent application as filed	20.00
8008	1.19(b)(1)(i)(B)	Copy of patent-related file wrapper and paper contents of 400 or fewer pages	200.00
8009	1.19(b)(1)(i)(C)	Each additional 100 pages of patent-related file wrapper and (paper) contents, or portion thereof	40.00
8010	1.19(b)(1)(i)(D)	Certification of patent-related file wrapper and (paper) contents	25.00
8011	1.19(b)(1)(ii)(B)	Copy of patent-related file wrapper and contents if provided electronically or on a physical electronic medium as specified in § 1.19(b)(1)(ii)	55.00
8012	1.19(b)(1)(ii)(C)	Each continuing physical electronic medium in single order of § 1.19(b)(1)(ii)(B)	15.00
8041	1.19(b)(2)(i)(A)	Copy of patent-related file wrapper contents, other than as available in § 1.19(b)(1); first physical electronic medium in a single order	55.00
8042	1.19(b)(2)(i)(B)	Each continuing copy of patent-related file wrapper and contents as specified in § 1.19(b)(2)(i)(A)	15.00
8043	1.19(b)(2)(ii)	Copy of patent-related file wrapper contents other than as available in § 1.19(b)(1); provided electronically other than on a physical electronic medium	55.00
8013	1.19(b)(3)	Copy of office records, except copies of applications as filed	25.00
8014	1.19(b)(4)	For assignment records, abstract of title and certification, per patent	25.00
8904	1.19(c)	Library service	50.00
8015	1.19(d)	List of U.S. patents and SIRs in subclass	3.00
8016	1.19(e)	Uncertified statement re status of maintenance fee payments	10.00
8017	1.19(f)	Copy of non-U.S. document	25.00
8050	1.19(g)	Petitions for documents in form other than that provided by this part, or in form other than that generally provided by Director, to be decided in accordance with merits	AT COST
8019	1.21(d)	Local delivery box rental, annually	50.00
8020	1.21(e)	International type search report	40.00
8902	1.21(g)	Self-service copy charge, per page	0.25
8021	1.21(h)	Recording each patent assignment, agreement or other paper, per property	40.00
8022	1.21(i)	Publication in *Official Gazette*	25.00
8023	1.21(j)	Labor charges for services, per hour or fraction thereof	40.00
8024	1.21(k)	Unspecified other services, excluding labor	AT COST
8025	1.21(l)	Retaining abandoned application	130.00
8026	1.21(n)	Handling fee for incomplete or improper application	130.00
8027	1.296	Handling fee for withdrawal of SIR	130.00

GENERAL FEES

Finance Service Fees			
9201	1.21(b)(1) or 2.6(b)(13)(i)	Establish deposit account	10.00
9202	1.21(b)(2) or 2.6(b)(13)(ii)	Service charge for below minimum balance	25.00
9202	1.21(b)(3)	Service charge for below minimum balance restricted subscription deposit account	25.00
9101	1.21(m) or 2.6(b)(12)	Processing each payment refused or charged back	50.00
Computer Service Fees			
8031/8531		Computer records	AT COST

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

Fee Code	37 CFR	Description	Fee
Trademark Processing Fees *			
6001	2.6(a)(1)(i)	Application for registration, per international class (paper filing)	375.00
7001	2.6(a)(1)(ii)	Application for registration, per international class (electronic filing)	325.00
7007	2.6(a)(1)(iii)	Application for registration, per international class (electronic filing, TEAS Plus)	275.00
6002/7002	2.6(a)(2)	Filing an Amendment to Allege Use under § 1(c), per class	100.00
6003/7003	2.6(a)(3)	Filing a Statement of Use under § 1(d)(1), per class	100.00
6004/7004	2.6(a)(4)	Filing a Request for a Six-month Extension of Time for Filing a Statement of Use under § 1(d)(1), per class	150.00
6005/7005	2.6(a)(15)	Petitions to the Director	100.00
6006	2.6(a)(19)	Dividing an application, per new application (file wrapper) created	100.00
6008/7008	2.6(a)(1)(iv)	Additional fee for application that doesn't meet TEAS Plus filing requirements, per class	50.00
6201/7201	2.6(a)(5)	Application for renewal, per class	400.00
6203/7203	2.6(a)(6)	Additional fee for filing renewal application during grace period, per class	100.00
6204	2.6(a)(21)	Correcting a deficiency in a renewal application	100.00
6205/7205	2.6(a)(12)	Filing § 8 affidavit, per class	100.00
6206/7206	2.6(a)(14)	Additional fee for filing § 8 affidavit during grace period, per class	100.00
6207	2.6(a)(20)	Correcting a deficiency in a § 8 affidavit	100.00
6208/7208	2.6(a)(13)	Filing § 15 affidavit, per class	200.00
6210	2.6(a)(7)	Publication of mark under § 12(c), per class	100.00
6211	2.6(a)(8)	Issuing new certificate of registration	100.00
6212/7212	2.6(a)(9)	Certificate of correction, registrant's error	100.00
6213	2.6(a)(10)	Filing disclaimer to registration	100.00
6214	2.6(a)(11)	Filing amendment to registration	100.00
6401/7401	2.6(a)(16)	Petition for cancellation, per class	300.00
6402/7402	2.6(a)(17)	Notice of opposition, per class	300.00
6403/7403	2.6(a)(18)	Ex parte appeal, per class	100.00
Trademark Madrid Protocol Fees *			
6901/7901	7.6(a)(1)	International application based on single application or registration, per class	100.00
6902/7902	7.6(a)(2)	Certifying an International application based on more than one basic application	150.00
6903/7903	7.6(a)(3)	Transmitting a Request to Record an Assignment or restriction under § 7.23 or 7.24	100.00
6904/7904	7.6(a)(4)	Filing a Notice of Replacement, per class	100.00
6905/7905	7.6(a)(5)	Filing an affidavit under § 71 of the Act	100.00
6906/7906	7.6(a)(6)	Surcharge for filing affidavit under § 71 of the Act during grace period, per class	100.00
6907/7907	7.6(a)(7)	Transmitting a subsequent designation	100.00
Trademark Service Fees			
8501	2.6(b)(1)	Printed copy of registered mark, delivery by USPS, USPTO Box, or electronic means	3.00
8503	2.6(b)(4)(i)	Certified copy of registered mark, with title and/or status, regular service	15.00
8504	2.6(b)(4)(ii)	Certified copy of registered mark, with title and/or status, expedited local service	30.00
8507	2.6(b)(2)	Certified copy of trademark application as filed	15.00
8508	2.6(b)(3)	Certified or uncertified copy of trademark-related file wrapper and contents	50.00
8513	2.6(b)(5)	Certified or uncertified copy of trademark document, unless otherwise provided	25.00
8514	2.6(b)(7)	For assignment records, abstracts of title and certification per registration	25.00
8902	2.6(b)(9)	Self-service copy charge, per page	0.25
8521	2.6(b)(6)	Recording trademark assignment, agreement or other paper, first mark per document	40.00
8522	2.6(b)(6)	For second and subsequent marks in the same document	25.00
8523	2.6(b)(10)	Labor charges for services, per hour or fraction thereof	40.00
8524	2.6(b)(11)	Unspecified other services, excluding labor	AT COST
Fastener Quality Act Fees			
6991	2.7(a)	Recordal application fee	20.00
6992	2.7(b)	Renewal application fee	20.00
6993	2.7(c)	Late fee for renewal application	20.00

* The 7000 series fee code (e.g., 7001, 7002, etc.) is used for electronic filings via TEAS, which is available at *www.uspto.gov/teas/*. In addition, the 6000 series fee codes under the Trademark Madrid Protocol Fees are being offered for use as a paper-based filing alternative.

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ZHIHAO LIN
14 KEHOE COURT
PRINCETON JUNCTION NJ 08550

COPY MAILED

JUL 17 2008

OFFICE OF PETITIONS

In re Application of :
He et al. :
Application Number: 10/579597 : ON PETITION
Filing Date: 05/17/2006 :
Attorney Docket Number: OCT 001 :

This is a decision on the "REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 CFR 1.181," filed on June 19, 2008, which is treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

This application became abandoned on February 21, 2008, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on November 20, 2007, which set a three (3) month statutory period for reply. On February 21, 2008, the issue and publication fees were filed. On March 18, 2008, a Notice of Abandonment was mailed, stating that the fees had been received after the expiration of the statutory period for their payment. A letter was filed on April 2, 2008, and a decision in response to the letter was mailed on June 9, 2008.

The subject petition, signed by all of the inventors, was filed on June 19, 2008. Petitioners assert that the fees were timely filed on February 14, 2008, and have presented a priority mail signature confirmation sheet allegedly showing that the fee payment was mailed on February 14, 2008.

The U.S. Patent and Trademark Office (Office) file is the official record of the papers filed in this application. A review of the papers filed reveals that no reply to the Notice of Allowance and Fee(s) Due mailed on November 20, 2007, was timely received in the USPTO. Rather, the showing of record is that

the fee payment was filed on February 21, 2008, which is after the due date for reply. An applicant alleging that a paper was timely filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The fact that petitioner believes that the reply was (or should have been) timely received in the Office, is not more persuasive than the date the papers are shown to have been received in the official file.

In this regard, it is noted that there is no provision in the rules or statutes for according the date that a paper is deposited in the USPS as certified or priority mail as date the paper is filed in the Office.

Further, in this regard, petitioners could have utilized the Certificate of Mailing procedure described at 37 CFR 1.8. Had petitioners properly followed the aforementioned procedure, petitioner could have avoided the predicament which has now arisen. It is petitioner's burden to supply, under the rules of practice, sufficient evidence to establish that the reply asserted to have been deposited with the U.S. Postal Service on February 14, 2008, was actually entrusted to the U.S. Postal Service on that date. See Krahn v. Comm'r, 15 USPQ2d 1823, 1825 (D.C. E.D. Va. 1990). At best, the showing of record reveals petitioners' intent to timely reply to the Notice of Allowance and Fee(s) Due.

As petitioners have not provided persuasive evidence that that the issue and publication fee payment was timely filed, the petition must be dismissed.

ALTERNATIVE VENUE

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after 8 June, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In

an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioners intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Should petitioners decide to file a petition under 37 CFR 1.137(b), a petition fee of $770.00 (small entity) (or $1,540.00 if petitioners no longer qualify for small entity status) will be due.

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioners' convenience.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. **This period may not be extended.**[1]

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

By mail: Mail Stop Petition
Commissioner for Patents

[1] 37 CFR 1.181(f).

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

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

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

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64

PTO/SB/64 (01-08)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ Signature

_____ Date

_____ Typed or printed name

_____ Registration Number, if applicable

_____ Address

_____ Telephone Number

_____ Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ Date

_____ Signature

_____ Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov
DIW Sep-08

ZHIHAO LIN
14 KEHOE COURT
PRINCETON JUNCTION NJ 08550

COPY MAILED
SEP 23 2008

In re Application of :
He et al. :
Application Number: 10/579597 : ON PETITION
Filing Date: 05/17/2006 :
Attorney Docket Number: OCT 001 :

This is a decision on the petition filed on August 4, 2008, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on February 21, 2008, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on November 20, 2007, which set a three (3) month statutory period for reply. On February 21, 2008, the issue and publication fees were filed. On March 18, 2008, a Notice of Abandonment was

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

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

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

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

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

mailed, stating that the fees had been received after the expiration of the statutory period for their payment. A letter was filed on April 2, 2008, and a decision in response to the letter was mailed on June 9, 2008. The petition to withdraw the holding of abandonment filed on June 19, 2008, was dismissed on July 17, 2008.

It is noted that the petition form is not properly signed in that only one inventor has signed. However, the petition form is accompanied by a "STATEMENT ESTABLISHING UNINTENTIONAL DELAY," signed by all of the inventors. As the subject statement requests revival of the application under 37 CFR 1.137(b), states that the issue and publication fees have been paid, and includes the statement required by 37 CFR 1.137(b)(3), the accompanying statement will be construed as a properly signed petition to revive the application.

Receipt of the issue and publication fees submitted on February 21, 2008, is acknowledged.

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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TECHNOLOGY CENTER 2100

COATS & BENNETT/OZ
1400 CRESCENT GREEN
SUITE 300
CARY NC 27518

In re Application of: THORKELSSON et al.
Application No. 10/579610
Filed: May 17, 2006
For: WIRELESS E-MAIL SYSTEM AND METHOD FOR USING SAME

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 15, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the Canada Patent Office (hereinafter, CA IPO);

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CA IPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the CA IPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the CA IPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the CA IPO examiner in the CA IPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

It is noted that since the CA application (2584232) with the allowed claims is not the same application as the CA application (2493907) for which priority is claimed by the US application, applicant is required to explain the relationship between the 2 CA applications. Applicant has failed to do this. However, based on what applicant stated in the claims correspondence table on the request form, the Office has concluded that the US application and the CA application with the allowed claims are both national stage application of the same PCT application and therefore, both of these application are claiming priority to the first CA application 2493907. Applicant should note that in the future, applicant needs to clearly explain the relationship between the application with the allowed claims and the priority application if these 2 applications are not the same case.

Accordingly, the request to participate in the PPH pilot program and petition are found to comply with the above requirements, and, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

16 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

Edward A. Meilman
Dickstein Shapiro Morin & Oshinsky LLP
1177 Avenue of Americas
41st Floor
New York, New York 10036-2714

In re Application of :
KESSEL et al. :
Application No.: 10/579,612 :
PCT No.: PCT/US04/34040 :
Int. Filing Date: 14 October 2004 : DECISION ON PETITION
Priority Date: 17 October 2003 :
Attorney Docket No.: S9025.0151 :
For: ENERGY-CURABLE COATING COMPOSITIONS

The petition to revive under 37 CFR 1.137(b) filed 17 May 2006 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 $130 surcharge for filing the oath or declaration after the thirty-month period is required.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/26/10 Paper No.: —

TO SPE OF : ART UNIT 3742

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/579618 Patent No.: 7595464 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

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: _____

6/15/10 AU3742

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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

COPY MAILED
MAR 22 2010

In re Application of :
Defrees, et al. :
Application No. 10/579,621 : DECISION
Filed: 16 May, 2006 :
Attorney Docket No. 101961-01-5142-
US02/705707

This is a decision on the letter considered as a petition filed on 11 September, 2009, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

NOTE:

Petitioner has the responsibility of reviewing Petitioner's records and submitting accurate information to the Office. Petitioner has a duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office. (*See*: 37 C.F.R. §1.4, §10.18, MPEP §410.)

Petitioner's submission is **ACCEPTED**.

In accordance with the request, status as a Small Entity will be removed, and Petitioner is required to pay fees at the schedule set forth for not-small entities. **The additional fees are charged to Deposit Account 50-0310, as authorized**.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that that those registered to practice and all others who make representations before the Office **must** inquire into the

underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

The instant application is released to Technology Center/AU 1623 for further processing in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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

CST

January 15, 2009

In re application of	:	DECISION ON REQUEST TO
Paul Meredith	:	PARTICIPATE IN PATENT
Serial No. 10/579,654	:	PROSECUTION HIGHWAY
Filed: May 18, 2006	:	PILOT PROGRAM AND
For: SILICA FILMS AND METHOD	:	PETITION TO MAKE SPECIAL
OF PRODUCTION THEREOF	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program filed November 14, 2008.

The request and petition are **DISMISSED** as moot. Specifically, a requirement for restriction was mailed in this application on November 14, 2008, and applicant timely filed a response to this restriction requirement on December 15, 2008.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU, note where the IPAU application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the IPAU application with similar claims and the IPAU priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the IPAU application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the IPAU application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the IPAU application is a first action allowance then no office action from the IPAU is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the IPAU Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the IPAU examiner in the IPAU office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail because:

(4) Examination of the U.S. application has begun. Specifically, note that a requirement for restriction was mailed on November 14, 2008, and that a response to this restriction requirement was timely filed on December 15, 2008.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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02 FEB 2007

Andrew K. Gonsalves
Nixon Peabody LLP - Patent Group
Clinton Square
P.O. Box 31051
Rochester, NY 14603-1051

In re Application of	:	
HASHIMOTO, et al.	:	
Application No.: 10/579,670	:	
PCT No.: PCT/JP04/16422	:	DECISION ON PETITION
Int. Filing Date: 05 November 2004	:	
Priority Date: 19 November 2003	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 201487/1180	:	
For: SOIL MICROORGANISM-HOUSING	:	
BIOSENSORS AND THEIR USES	:	

The petition to revive under 37 CFR 1.137(b) filed 01 February 2007 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. 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 05 November 2004 under 35 U.S.C. 363 and will be given a date of **01 February 2007** 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

10 AUG 2006

SIM & MCBURNEY
330 UNIVERSITY AVENUE
6TH FLOOR
TORONTO ON M5G 1R7 CA CANADA

In re Application of	:	
GUY et al.	:	
Application No.: 10/579,679	:	DECISION ON
PCT No.: PCT/CA2004/000837	:	
Int. Filing Date: 04 June 2004	:	PETITION UNDER
Priority Date: 05 June 2003	:	
Attorney Docket No.: 7692-44 LAB	:	37 CFR 1.137(b)
For: EPAS1 GENE TRANSFER	:	
TO IMPROVE CELL THERAPY	:	

This decision is in response to applicant's submission filed 18 May 2006.

BACKGROUND

On 04 June 2004, applicant filed international application PCT/CA2004/000837 which designated the U.S. and claimed a priority date of 05 June 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 16 December 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 December 2005.

On 18 May 2006, 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, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, and a petition under 37 CFR 1.137(b) to revive the application.

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 18 May 2006.

As to item (2), applicant submitted the petition fee on 18 May 2006.

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) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

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

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THOMAS J. PERKOWSKI , ESQ., P. C.
SOUNDVIEW PLAZA
1266 EAST MAIN STREET
STAMFORD CT 06902

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
Reuven BAKALASH et al. :
Application No. 10/579,682 : DECISION ON PETITION
Filed: March 23, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **142-002USAC00** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 14, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Reuven Bakalash, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

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 2628 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SPRINKLE IP LAW GROUP
1301 W. 25TH STREET
SUITE 408
AUSTIN TX 78705

MAIL

MAY 12 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Nobuhiro Kondo :
Serial No.: 10/579,686 :
Filed: May 18, 2006 : DECISION ON PETITION
For: **TRANSFORMING A POLYGONIZED OBJECT INTO AN IMPLICIT-FUNCTION REPRESENTATION** : *ACCEPTANCE OF COLOR DRAWINGS*

3/25/09 DP

This is a decision on the petition under 37 CFR §1.184(a)(2), filed ~~May 18, 2006~~ requesting acceptance color drawings.

The petition requests that the color drawings identified in FIGSS. 17, 18, 19, 20, 21, 22, and 23 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is GRANTED.

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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

COOK ALEX LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Hisao Ikeda	: DECISION ON REQUEST FOR
Patent Number	: 7569988	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,691	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **123** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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COOK ALEX LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO, IL 60606

Mail Date: 05/18/2010

Applicant : Hisao Ikeda
Patent Number : 7569988
Issue Date : 08/04/2009
Application No: 10/579,691
Filed : 05/18/2006

: 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 **165** 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).

05 NOV 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Eric L. Maschoff
Workman Nydegger
60 East South Temple
1000 Eagle Gate Tower
Salt Lake City, Utah 84111

In re Application of :
CHANDRASIRI, et al. : DECISION ON PETITION
Serial No.: 10/579,697 :
PCT No.: PCT/GB04/04703 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 05 November 2004 :
Priority Date: 19 November 2003 :
Atty Docket No.: 16458.8 :
For: SECURE COMMUNICATIONS WITHIN AND :
BETWEEN PERSONAL AREA NETWORKS BY :
USING PRIVATE AND PUBLIC IDENTIFIERS :

This decision is in response to the petition under 37 CFR 1.47(a) filed 22 October 2007 to accept the application without the signatures of joint inventors Pubudu Chandrasiri and Yashar Shahabi.

BACKGROUND

On 05 November 2004, applicant filed international application PCT/AU02/01752 which claimed priority to a previous application filed 19 November 2003. A copy of the international application was transmitted to the United States on 09 June 2005. Pursuant to 37 CFR 1.495 the period for providing payment of the full, U.S. Basic National Fee was set to expire thirty months from the priority date, or midnight 19 May 2006.

On 16 May 2006, 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 20 March 2007, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors was required, as well as, payment of the $130.00 surcharge for providing an executed oath or declaration later than thirty months from the earliest claimed priority date. Applicant was afforded two months to file a proper response.

On 22 October 2007, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a five-month extension of time and payment of the appropriate extension fee. Therefore, applicant's response is considered timely filed.

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 investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1 and 3.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature." According to the filed declaration of Mr. David Keston, the non-signing inventors were merely mailed combined declarations and powers of attorney rather than a complete set of application papers. As such, the subsequent silence cannot be considered a refusal under 37 CFR 1.47(a). In addition, it appears that attempts have been made to locate current addresses for the non-signing inventors. As explained further in Section 409.03(d), in order to show a diligent effort to locate an inventor, "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." While applicant references searches made by Mr. Keston, these results have not been included with the present petition.

Regarding item 4, applicant has provided a declaration executed by the remaining inventors. However, the declaration is not in compliance with 37 CFR 1.497 (a)-(b). 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 filed declaration contains three pages four of five. As such, it appears that the inventors were not provided with complete declarations for signature or only returned the signature pages. Either scenario renders the documents non-compliant.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." 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
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17 JUL 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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SALT LAKE CITY UT 84111

In re Application of	
CHANDRASIRI, et al.	
U.S. Application No.: 10/579,697	DECISION ON RENEWED
PCT No.: PCT/GB04/04703	
Int. Filing Date: 05 November 2004	PETITION UNDER
Priority Date: 19 November 2003	
Attorney Docket No.: 16458.8	37 CFR 1.47(a)
For: SECURE COMMUNICATIONS WITHIN AND BETWEEN PERSONAL AREA NETWORKS BY USING PRIVATE AND PUBLIC IDENTIFIERS	

This decision is in response to the applicant's "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)" filed 05 June 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 05 November 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventors Pubudu Chandrasiri and Yashar Shahabi. Applicant was afforded two months to file a renewed petition.

On 22 April 2008, applicant was mailed a notice of abandonment indicating that the application was abandoned for failure to respond to the decision mailed 05 November 2007.

On 05 June 2008, applicant filed the renewed petition under 37 CFR 1.47(a) discussed herein accompanied by a petition for a five-month extension of time and payment of the appropriate extension of time fee. The response is therefore considered timely filed.

DISCUSSION

As detailed in the decision mailed 05 November 2007, 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 investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1 and 3.

With the filing of the present renewed petition and supporting documentation, applicant

has satisfied all of the concerns raised in the decision of 05 November 2007 and it is proper to grant applicant's renewed petition at this time. Specifically, applicant has provided evidence of the diligent effort to locate the non-signing inventors in the form of a firsthand statement of the efforts, as well as, the results of internet searches. In addition, applicant has presently provided a series of compliant declarations executed by the remaining inventors on their on behalf and on behalf of joint inventors Pubudu Chandrasiri and Yashar Shahabi.

CONCLUSION

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 05 November 2004 under 35 U.S.C. 363, and will be given a date of **05 June 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
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17 JUL 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Mr. Yashar Shahabi
146A Southfield Road
Chiswick, LONDON
W4 1AW
UNITED KINGDOM

In re Application of
CHANDRASIRI, et al.
U.S. Application No.: 10/579,697
PCT No.: PCT/GB04/04703
Int. Filing Date: 05 November 2004
Priority Date: 19 November 2003
Attorney Docket No.: 16458.8
For: SECURE COMMUNICATIONS WITHIN AND BETWEEN PERSONAL AREA NETWORKS BY USING PRIVATE AND PUBLIC IDENTIFIERS

Dear Mr. Shahabi:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Fax: (571) 273-0459

Eric L. Maschoff
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SALT LAKE CITY UT 84111
UNITED STATES OF AMERICA

17 JUL 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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Mr. Pubudu Chandrasiri
176 Winterthur Way
Basingstoke
Hampshire
RG21 7UE
UNITED KINGDOM

In re Application of
CHANDRASIRI, et al.
U.S. Application No.: 10/579,697
PCT No.: PCT/GB04/04703
Int. Filing Date: 05 November 2004
Priority Date: 19 November 2003
Attorney Docket No.: 16458.8
For: SECURE COMMUNICATIONS WITHIN AND BETWEEN PERSONAL AREA NETWORKS BY USING PRIVATE AND PUBLIC IDENTIFIERS

Dear Mr. Chandrasiri:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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UNITED STATES PATENT AND TRADEMARK OFFICE

27 JUN 2008

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

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of:	:	
BANDO, Seiji ; et al.	:	DECISION ON PETITION
U.S. Application No.: 10/579,734	:	
PCT No.: PCT/JP2004/018569	:	
International Filing Date: 13 December 2004	:	
Priority Date: 17 December 2003	:	
Atty Docket No.: VX062737	:	
For: PROCESS FOR PRODUCING 2-ACYLTHIPHENE COMPOUND	:	

This decision is issued in response to the "Request For Removal Of Notification Of Abandonment" filed 23 June 2008, treated herein as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

The present national stage application was initiated on 18 May 2005.

On 26 March 2007, the United States Designated/Elected Office (DO/EO/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) had been satisfied as of 18 May 2006.

The case was subsequently docketed for examination.

On 23 June 2008, applicant filed the "Request For Removal Of Notification Of Abandonment" considered herein. The submission notes that the electronic application file contains a "Notification Of Abandonment (Form PCT/DO/EO/909) mailed 30 July 2007, which appears to pertain to a different U.S. application, and it requests that such Notification Of Abandonment be removed from the present application file.

DISCUSSION

A review of the application file confirms that the Notification Of Abandonment in the application file, mailed 30 July 2007, pertains to a different U.S. application (10/519,734). The Notification has therefore been removed from the active application file for the present application, as requested by applicants in the present petition.

CONCLUSION

The petition under 37 CFR 1.181 to remove the Notification of Abandonment (Form PCT/DO/EO/909) mailed 30 July 2007 from the present application file is **GRANTED**.

The Notification of Abandonment, which pertained to a different U.S. application, has been removed from the active application file for the present application.

Richard M. Ross
Attorney Advisor
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209 Madison Street
Suite 500
Alexandria, VA 22314

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Hein Wille et al. :
Application No. 10/579,753 :
Filed: May 18, 2006 :
Attorney Docket No. 2001-1446 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 13, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 28, 2008. 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 April 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and fee of $510; (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Shelley Clement at (571)272-6052 or in her absence to the undersigned at (571)272-7099.

This application is being referred to Technology Center AU 3617 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

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
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P.O. Box 1450
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 04/21/2010

Applicant	: Takamitsu Yamada	: DECISION ON REQUEST FOR
Patent Number	: 7603636	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,766	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **513** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

United States Patent and Trademark Office

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0 1 OCT 2007

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

In re Application of	:	
Naicker et al.	:	
Application No.: 10/579,806	:	DECISION
PCT No.: PCT/IB04/04060	:	
Int. Filing Date: 10 December 2004	:	ON
Priority Date: 10 December 2003	:	
Attorney Docket No.: 06-361	:	PETITION
For: System For Playing A Bingo-Type Game	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 07 August 2007.

BACKGROUND

This international application was filed on 10 December 2004, claimed an earlier priority date of 10 December 2003, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 23 June 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 10 June 2006. Applicants filed *inter alia* the basic national fee on 16 May 2006.

On 10 January 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b).

DISCUSSION

Petitioner alleges that joint inventor Devan Govender has refused to execute the application. 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.

Regarding **requirement (1)**, petitioner has paid the $200.00 petition fee.

Regarding **requirement (2)**, counsel's attention is respectfully drawn to MPEP 409.03(d), which 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. The fact that an

application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition

The evidence presented tends to suggest that Mr. Govender may have refused to execute a declaration document after having been presented with the declaration and a copy of the application. However, while the various email communications appear to have been carried out by Ms. Tracey Clarke, petitioner has not provided a statement from her introducing the email evidence and attesting to the facts surrounding those communications, especially Exhibit G.

Regarding **requirement (3)**, the petition includes a statement of two last known addresses for Devan Govender. However, it appears that one of the addresses may be his permanent address and the other a temporary or holiday address. Insofar that the last-known address is used for purposes of providing notice of the filing to the non-signing inventor upon the grant of status under 37 CFR 1.47(a) , a temporary address is inappropriate. Petitioner should clarify which address is in fact Mr. Govender's last-known permanent address.

Regarding **requirement (4)**, the declaration of inventorship filed on 07 August 2007 is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). Requirement (4) thereby has been satisfied.

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). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
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07 JAN 2008
United States Patent and Trademark Office

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In re Application of	:	
Naicker et al.	:	
Application No.: 10/579,806	:	DECISION
PCT No.: PCT/IB04/04060	:	
Int. Filing Date: 10 December 2004	:	ON
Priority Date: 10 December 2003	:	
Attorney Docket No.: 06-361	:	PETITION
For: System For Playing A Bingo-Type Game	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 30 November 2007.

DISCUSSION

In a Decision mailed on 01 October 2007, the petition under 37 CFR 1.47(a) filed on 07 August 2007 was dismissed, without prejudice, because

> The evidence presented tends to suggest that Mr. Govender may have refused to execute a declaration document after having been presented with the declaration and a copy of the application. However, while the various email communications appear to have been carried out by Ms. Tracey Clarke, petitioner has not provided a statement from her introducing the email evidence and attesting to the facts surrounding those communications, especially Exhibit G.
>
> and because,
>
> Regarding **requirement (3)**, the petition includes a statement of two last known addresses for Devan Govender. However, it appears that one of the addresses may be his permanent address and the other a temporary or holiday address. Insofar that the last-known address is used for purposes of providing notice of the filing to the non-signing inventor upon the grant of status under 37 CFR 1.47(a), a temporary address is inappropriate. Petitioner should clarify which address is in fact Mr. Govender's last-known permanent address.

In response, petitioner has provided a "Declaration of Tracey Clarke" clarifying the circumstances surrounding Mr. Govender's email dated 03 August 2007. Based on the totality of the evidence currently of record, it would be appropriate to conclude that Devan Govender has refused to execute the application within the meaning of 37 CFR 1.47(a).

In addition, petitioner has provided an indication of Mr. Govender's last known address. Therefore, all of the requirements of 37 CFR 1.47(a) have now been satisfied.

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **07 August 2007**.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

07 JAN 2008

United States Patent and Trademark Office

Commissioner for Patents
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Devan Govender
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Umdloti 4350
SOUTH AFRICA

In re Application of
Naicker et al.
Application No.: 10/579,806
PCT No.: PCT/IB04/04060
Int. Filing Date: 10 December 2004
Priority Date: 10 December 2003
Attorney Docket No.: 06-361
For: System For Playing A Bingo-Type Game

Dear Mr. Govender:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

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

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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

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

OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Devan GOVENDER) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/IB2004/004060 and was filed on December 10, 2004 in the names of Theo NAICKER, Tony YUNNIE, Jon HUTCHINGS and Devan GOVENDER for the invention entitled SYSTEM FOR PLAYING A BINGO-TYPE GAME. The national stage application number is 10/579,806 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of August 7, 2007.

15 SEP 2008

United States Patent and Trademark Office

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

In re Application of	:	
Naicker et al.	:	
Application No.: 10/579,806	:	DECISION
PCT No.: PCT/IB04/04060	:	
Int. Filing Date: 10 December 2004	:	ON
Priority Date: 10 December 2003	:	
Attorney Docket No.: 06-361	:	PETITION
For: System For Playing A Bingo-Type Game	:	

This is in response to the "Petition To Withdraw Improper Holding Of Abandonment" filed on 15 August 2008.

DISCUSSION

In a Decision mailed on 07 January 2008, the renewed petition under 37 CFR 1.47(a) filed on 30 November 2007 was granted.

On 24 June 2008, a Notice of Abandonment was mailed to counsel, indicating that this application had become abandoned for failure to timely reply to an unspecified Decision on Petition.

Petitioner argues that the holding of abandonment was improper because, on 30 November 2007, applicants filed a response to the Decision mailed on 01 October 2007, and because no reply was required by the Decision mailed on 07 January 2008. Review of the record reveals that the response filed on 30 November 2007 was in fact received, and that in view of that response, the Decision mailed on 07 January 2008 granted the requested relief. No response to the decision mailed on 07 January 2008 was required. Therefore, the Notice of Abandonment mailed on 24 June 2008 was issued in error, and it is hereby **VACATED**. The holding of abandonment is hereby **WITHDRAWN**.

DECISION

The petition is **GRANTED**.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **07 August 2007**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

0 6 NOV 2007

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KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:	
MIELKE, et al.	:	
PCT No.: PCT/US04/38438	:	DECISION ON PETITION
Application No.: 10/579,817	:	
Int. Filing Date: 16 November 2004	:	UNDER 37 CFR 1.47(a)
Priority Date: 17 November 2003	:	
Atty. Docket No.: 58653-1042	:	
For: REACTIVE HYDROXYLATED AND CARBONXYLATED POLYMERS FOR USE AS ADHESION PROMOTERS	:	

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 23 October 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 16 November 2004, applicant filed international application PCT/US04/38438 which claimed priority to an earlier application filed 17 November 2003. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 17 May 2006.

On 16 May 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1), an application data sheet and a preliminary amendment.

On 23 March 2007, 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 23 October 2007, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of joint inventor Mark John Lindsey accompanied by a petition for a five-month extension of time and payment of the appropriate extension of time fee. The response is considered timely filed.

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 investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

As authorized, the $200.00 petition fee will be charged to deposit account number 50-0540.

The application has an international filing date of 16 November 2004 under 35 U.S.C. 363, and will be given a date of **23 October 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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

11/06/2007 SBASHEIR 00000001 500540 10579817
Sale Ref: 00000001 DA#: 500540 10579817
01 FC:1463 200.00 DA

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DICKSTEIN SHAPIRO LLP
1633 Broadway
NEW YORK, NY 10019

Mail Date: 04/20/2010

Applicant	: Hiroyuki Kubo	: DECISION ON REQUEST FOR
Patent Number	: 7595707	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,819	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **189** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

Mail Date: 04/20/2010

Applicant	: Dirk Finsinger	: DECISION ON REQUEST FOR
Patent Number	: 7598274	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,825	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **607** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Alberto Colombi	: DECISION ON REQUEST FOR
Patent Number	: 7651048	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,826	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **924** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KELLEY DRYE AND WARREN, LLP
440 ATLANTIC STREET
13TH FLOOR
STAMFORD, CT 06901

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SEP 29 2008

OFFICE OF PETITIONS

Applicant: Johns
Appl. No.: 10/579,867
Filing Date: May 18, 2006
Title: SILVER SOLDER OR BRAZING ALLOYS AND THEIR USE
Attorney Docket No.: MSX-106(PCT/US)
Pub. No.: 2007/0144624 A1
Pub. Date: June 28, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 24, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication comprises the WO publication filed on the same day as the accompanied application.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable**." 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 October 24, 2007, was not timely filed under 37 CFR 1.221(b).

The application is being forwarded to the Office of PCT Legal Administration for review of the application papers. The first sentence of the specification states that the application is a continuation-in-part of the PCT/GB2004/050027. If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a). See MPEP 1893.03(a) and 37 CFR 1.495(g).

[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).

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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KLARQUIST SPARKMAN, LLP
121 S.W. SALMON STREET
SUITE #1600
PORTLAND OR 97204-2988

MAILED

APR 22 2009

OFFICE OF PETITIONS

Applicant: Flomerfelt et al.
Appl. No.: 10/579,879
International Filing Date: November 18, 2003
Title: SPATIAL FOR ALTERING CELL PROLIFERATION
Attorney Docket No.: 4239-64851-02
Pub. No.: US 2007/0248589 A1
Pub. Date: October 25, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 24, 2007, for the above-identified application.

The request is DISMISSED as moot.

Since the application has been abandoned, the request is deemed moot.

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/579,895		Yusuke Konagai	470310000

CONFIRMATION NO.
3484

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

Date Mailed: July 12, 2006

Decision Granting Petition under 37 CFR 1.138(c)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is granted.

The express abandonment is recognized and the application has been withdrawn from publication. A notice of abandonment is attached.

Telephone inquiries should be directed to the Office of Patent Publication, the Pre-Grant Publication Division, at 703-605-4283.

Barbara J. Debnam
Pre-Grant Publication Division
Office of Patent Publication

Rev. 10/01

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29 SEP 2006

ROSSI, KIMMS & MCDOWELL LLP
P.O. Box 826
Ashburn, VA 20146-0826

In re Application of :
KONAGAI *et al* :
Application No.: 10/579,895 :
PCT No.: PCT/JP2004/017639 :
Int. Filing Date: 19 November 2004 : **DECISION**
Priority Date: 21 November 2003 :
Attorney's Docket No.: YAMA:127 :
For: ARRAY SPEAKER APPARATUS :

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 19 May 2006, applicants filed papers to enter the national stage of PCT/JP2004/017639 using docket number 47031-0000 which was accompanied by, *inter alia*, fees to enter the national stage. This application was processed as the national stage of PCT/JP2004/017639 and given U.S. application number 10/579,895. The correspondence address was listed as DRINKER, BIDDLE & REATH, LLP, 1500 K Street, N.W., Suite 1100, Washington, DC 20005-1209.

On 22 May 2005, a duplicate national stage application for PCT/JP2004/017639 using docket number YAMA:127 was filed by ROSSI, KIMMS & MCDOWELL LLP at the address at the top of this correspondence. The U.S. application number was denoted as 10/580,075. However, the application could not be processed as intended as a U.S. serial number already exists for this international application.

On 12 July 2006, a "Petition for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)" was filed in U.S. application number 10/579,895. A decision granting applicants' petition was mailed by the Pre-Grant Publication Division, Office of Patent Publication that same day. Accordingly, U.S. application number 10/579,895 was expressly abandoned.

On 18 July 2006, a declaration in compliance with 37 CFR 1.497(a) and (b) was filed in U.S. application number 10/580,075.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the

national stage were submitted for international application PCT/JP2004/017639. The end result for an international application designating the United States of America is a single U.S. national stage application.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/JP2004/017639.

Applicants are advised that U.S. application No. 10/580,075 is no longer a valid U.S. National stage application.

Applicants must use only U.S. application No. **10/579,895** for all correspondence to the national stage application of PCT/JP2004/017639. The attorney docket number is YAMA:127.

It is noted that U.S. application number 10/579,895 was expressly abandoned via petition on 12 July 2006 by the Pre-Grant Publication Division, Office of Patent Publication. An application expressly abandoned may not be revived under 37 CFR 1.137(a) or (b).

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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10 OCT 2006

ROSSI, KIMMS & MCDOWELL LLP
P.O. Box 826
Ashburn, VA 20146-0826

In re Application of :
KONAGAI *et al* :
Application No.: 10/579,895 :
PCT No.: PCT/JP2004/017639 :
Int. Filing Date: 19 November 2004 : **DECISION**
Priority Date: 21 November 2003 :
Attorney's Docket No.: YAMA:127 :
For: ARRAY SPEAKER APPARATUS :

This decision is in response to applicants' "Petition to Vacate Express Abandonment" which is hereby **GRANTED** as follows:

Two sets of papers to enter the national stage were submitted for international application PCT/JP2004/017639. Papers to enter the national stage of PCT/JP2004/017639 were filed on 19 May 2006 using docket number 47031-0000. This U.S. application number was denoted 10/579,895. A duplicate national stage application using docket number YAMA:127 was filed on 22 May 2005. The U.S. application number was denoted as 10/580,075.

The attorney of the papers filed 19 May 2006 denoted U.S. application number 10/579,895 filed a "Petition for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)" on 12 July 20006. A decision granting this request by the Pre-Grant Publication Division, Office of Patent Publication was mailed that day. On 18 July 2006, an executed declaration in compliance with 37 CFR 1.497 was filed in U.S. application number 10/580,075.

In a decision mailed 29 September 2006, the Office of PCT Legal Administration merged the duplicate national stage applications into a single application. U.S. application No. 10/579,895 was denoted to be the national stage application of PCT/JP2004/017639. The attorney docket number of record was YAMA:127. Applicants then filed the subject petition to vacate the holding of express abandonment mailed 12 July 2006.

A review of the merged applications show that the granting of the petition for express abandonment under 37 CFR 1.138(c) filed 12 July 2006 was improper. The individual signing the petition for express abandonment was not the attorney or agent of record and had no authority to expressly abandon the national stage of PCT/JP2004/017639. *See* MPEP § 711.01.

Accordingly, the decision granting the petition to expressly abandon the subject application mailed 12 July 2006 is hereby **VACATED**.

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

20 JUN 2006
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PFIZER INC.
PATENT DEPARTMENT, MS8260-1611
EASTERN POINT ROAD
GROTON, CT 06340

In re Application of DALVIE et al	:	
U.S. Application No.: 10/579,898	:	
PCT Application No.: PCT/IB04/03054	:	
Int. Filing Date: 20 September 2004	:	DECISION
Priority Date Claimed: 30 September 2003	:	
Attorney Docket No.: PC25872A	:	
For: CETP INHIBITORS AND METABOLITES THEREOF	:	

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 19 May 2006.

BACKGROUND

On 20 September 2004, applicant filed international application PCT/IB04/03054, which claimed priority of an earlier United States application filed 30 September 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 14 April 2005. The thirty-month period for paying the basic national fee in the United States expired on 30 March 2006.

International application PCT/IB04/03054 became abandoned as to the United States for failure to timely pay the basic national fee.

On 19 May 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

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

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

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

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 20 September 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 May 2006.

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

13 JUL 2006

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CONNOLLY BOVE LODGE & HUTZ LLP
SUITE 800
1990 M STREET NW
WASHINGTON DC 20036-3425

In re Application of	:	DECISION ON
Frank MATICH	:	
Application No.: 10/579,901	:	
PCT No.: PCT/AU2004/000826	:	
Int. Filing Date: 24 June 2004	:	PETITION UNDER
Priority Date: 25 June 2003	:	
Attorney's Docket No.: 22216-00014-US1	:	
For: METHOD OF, AND APPARATUS, ...		:
FORMED THEREBY	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 19 May 2006. The required fee of $65.00 (the surcharge under 1.492(h) for late filing of the executed declaration) has been charged to petitioner's Deposit Account No. 22-0185.

BACKGROUND

On 24 June 2004, this international application was filed, which claimed priority to earlier application filed on 25 June 2003. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 25 December 2005. This international application became abandoned with respect to the United States at midnight on 25 December 2005 for failure to pay the required basic national fee.

On 19 May 2006, applicant 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 the basic national fee, an executed declaration and the petition 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**.

The required fee of $65.00 (the surcharge under 1.492(h) for late filing of the declaration) has been charged to Deposit Account No.: 22-0185 as authorized in the transmittal letter.

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 **19 May 2006.**

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

13 JUL 2006

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CONNOLLY BOVE LODGE & HUTZ LLP
SUITE 800
1990 M STREET NW
WASHINGTON DC 20036-3425

0185

In re Application of	:	DECISION ON
Frank MATICH	:	
Application No.: 10/579,901	:	
PCT No.: PCT/AU2004/000826	:	
Int. Filing Date: 24 June 2004	:	PETITION UNDER
Priority Date: 25 June 2003	:	
Attorney's Docket No.: 22216-00014-US1	:	
For: METHOD OF, AND APPARATUS, ...	:	
FORMED THEREBY	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 19 May 2006. The required fee of $65.00 (the surcharge under 1.492(h) for late filing of the executed declaration) has been charged to petitioner's Deposit Account No. 22-0185.

BACKGROUND

On 24 June 2004, this international application was filed, which claimed priority to earlier application filed on 25 June 2003. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 25 December 2005. This international application became abandoned with respect to the United States at midnight on 25 December 2005 for failure to pay the required basic national fee.

On 19 May 2006, applicant 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 the basic national fee, an executed declaration and the petition 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**.

The required fee of $65.00 (the surcharge under 1.492(h) for late filing of the declaration) has been charged to Deposit Account No.: 22-0185 as authorized in the transmittal letter.

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 **19 May 2006.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
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05/12/2006 PKIDWELL 00000003 220185 10579901
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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

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FEB 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Romano Rivolta et al. :
Application No. 10/579,904 : ON PETITION
Filed: May 19, 2006 :
Attorney Docket No. 026220-00081 :

This is a decision on the petition filed January 10, 2008 to withdraw the holding of abandonment, which is being treated under 37 CFR 1.181(b), in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue fee on or before November 16, 2007 as was required by the Notice of Allowance mailed August 16, 2007. This application therefore became abandoned on November 19, 2007. Accordingly, a Notice of Abandonment was sent via email notification on December 18, 2007.

The file record discloses that the Notice of Allowance was mailed to the address of record. However, petitioner contends that the Notice of Allowance was not received. In support, petitioner indicates that a search of the file jacket revealed that the Notice was not received and submits copies of pages from the docketing system and the file jacket, wherein receipt of the Notice would have been entered, had it been received to substantiate the claim. The statement and attachments corroborate non-receipt of the Notice of Allowance.

In view of the facts set forth in the petition, it is concluded that the Notice of Allowance was never received. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 1621 for a re-sending of the Notice of Allowance and Notice of Allowability.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/20/2010

Applicant	: Roger Pellenc	: DECISION ON REQUEST FOR
Patent Number	: 7592773	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,917	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **22** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 05/17/2010

Applicant : Roger Pellenc
Patent Number : 7592773
Issue Date : 09/22/2009
Application No: 10/579,917
Filed : 05/19/2006

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

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

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

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

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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Mail Date: 04/21/2010

Applicant	: Manfred Rietzler	: DECISION ON REQUEST FOR
Patent Number	: 7612677	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,937	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **571** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Kenji Kawasaki	: DECISION ON REQUEST FOR
Patent Number	: 7589891	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/579,975	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/23/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **314** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/03/2010

Applicant	: Jurgen Pandel	: DECISION ON REQUEST FOR
Patent Number	: 7613163	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/579,992	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **680** 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 JUN 2006

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Keith Kline
The Kline Law Firm
161 Little Pond Lane
Palmyra, VA 22963

In re Application of :
ERRASTI, Josu :
Application No.: 10/580,012 : DECISION ON PETITION
PCT No.: PCT/ES04/00451 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 20 October 2004 :
Priority Date: 27 October 2003 :
Attorney Docket No.: FA059 :
For: APPARATUS FOR THE SELECTIVELY SHRINKING A FILM WRAPPED AROUND A PRODUCT :

The petition to revive under 37 CFR 1.137(b) filed 19 May 2006 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
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100319

DATE : March 19, 2010

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction on Patent No.: 7598295

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:

/DANIEL M SULLIVAN/
Supervisory Patent Examiner.Art Unit 1621

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HUNTON & WILLIAMS LLP
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DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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AUG 31 2009

OFFICE OF PETITIONS

In re Application of	: DECISION ON REQUEST
D'Halluin et al.	: FOR RECONSIDERATION OF PATENT
Application No. 10/580076	: TERM ADJUSTMENT
Filing or 371(c) Date: 05/18/2006	:
Attorney Docket No.	:
58764.000062	:

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(b)," filed July 6, 2009. Applicant submits that the correct patent term adjustment to be indicated on the patent is at least 277 days, not 232 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected

issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

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

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

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

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Attorney Derek Woods at (571) 272-3232.

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

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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OFFICE OF PETITIONS

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY
DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

In re Application of	:	DECISION ON REQUEST
D'Halluin et al.	:	FOR RECONSIDERATION OF
Patent Number: 7,598,365	:	PATENT TERM ADJUSTMENT
Issue Date: 10/06/2009	:	and
Application No. 10/580076	:	NOTICE OF INTENT TO ISSUE
Filing or 371(c) Date: 05/18/2006	:	CERTIFICATE OF CORRECTION
Attorney Docket Number: 58764.000062	:	

This is a decision on the petition filed on December 4, 2009, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by three hundred seventy-three (373) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by three hundred seventy-three (373) days is **GRANTED**.

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

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted **by three hundred seventy-three (373) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods/
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,598,365 B2

DATED : October 6, 2009

INVENTOR(S) : D'Halluin 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 232 days.

Delete the phrase "by 232 days" and insert – by 373 days--

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18 SEP 2007

Peter K. Trzyna
PO Box 7131
Chicago IL 60680-7131

In re Application of
GRAFF et al.
Application No.: 10/580,083
PCT Application No.: PCT/US04/39041
Int'l Filing Date: 19 November 2004
Priority Date: 21 November 2003
Attorney Docket No.: Graff-PCT-04
For: COMPUTER CONTROL SYSTEM FOR NON-DEBT HOME FINANCING

DECISION ON PETITION

under 37 CFR 1.182

This is a decision on applicant's "Petition Pursuant to 37 CFR 1.182" filed in the United States Patent and Trademark Office on 20 April 2007. Applicant, in effect, requests correction of the PCT application number in the national stage application papers filed in the United States Patent and Trademark Office on 18 May 2006. The $400 petition fee has been charged to applicant's deposit account per his authorization.

On 20 April 2007, applicant filed the instant petition under 37 CFR 1.182 to correct the international application number in the U.S. national stage application to PCT/US04/**39041**. Applicant filed the U.S. national stage papers originally on 18 May 2006, which incorrectly referenced PCT/US04/**39014** on the first page of the transmittal letter.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/US04/**39041** on the national stage papers filed on 20 April 2007 is **GRANTED**.

This application is being returned to the National Stage Processing Branch of the Office of PCT Operations for processing in accord with this decision, including correcting USPTO records so as to identify the present application as a national stage of PCT/US04/39041.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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

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14 AUG 2006

Howard & Howard Attorneys
39400 Woodward Avenue
Suite 101
Bloomfield Hills MI 48304-5151

In re Application of	:	
MORRIS	:	
Application No.: 10/580,099	:	DECISION ON
PCT No.: PCT/GB2004/004201	:	
Int. Filing Date: 04 October 2004	:	PETITION UNDER
Priority Date: 02 October 2003	:	
Attorney Docket No.: 65008-067	:	37 CFR 1.137(b)
For: APPARATUS FOR IMPARTING	:	
STRETCH TO FABRICS	:	

This decision is in response to applicant's submission filed 19 May 2006.

BACKGROUND

On 04 October 2004, applicant filed international application PCT/GB2004/004201 which designated the U.S. and claimed a priority date of 02 October 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 14 April 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 03 April 2006 (02 April 2006 being a Sunday).

On 19 May 2006, 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, and a petition under 37 CFR 1.137(b) to revive the application.

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 19 May 2006.

As to item (2), applicant submitted the petition fee on 19 May 2006.

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) requiring an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

Daniel Stemmer
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PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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OSHA LIANG, LLP
1221 MCKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

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JUL 31 2008

OFFICE OF PETITIONS

Applicant: Hirose, et al.
Appl. No.: 10/580,127
International Filing Date: November 18, 2004
Title: CRAWLER BELT, CRAWLER UNIT AND METHOD FOR MANUFACTURING CRAWLER BELT
Attorney Docket No.: 12088/044001
Pub. No.: 2007/0145820-A1
Pub. Date: June 28, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on August 16, 2007, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if the request for corrected publication pointed out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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0 8 APR 2008

Sterne, Kessler, Goldstein & Fox P.L.L.C.
1100 New York Avenue, N.W.
Washington, DC 20005

In re Application of
CHOI et al.
Application No.: 10/580,132
PCT No.: PCT/KR06/00071
Int. Filing Date: 06 January 2006
Priority Date: 06 January 2005
Atty. Docket No.: 2511.0030000JUK/DLL
For: DICARBOXYLIC ACID SALT OF SIBUTRAMINE

DECISION

This decision is issued in response to applicant's "Request to Correct 35 U.S.C. 371 Date" filed 07 June 2007, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. No petition fee is due.

BACKGROUND

On 19 May 2006, 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 copy of the international application; and a preliminary amendment. Applicant did not mark 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)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Article 22 and 39(1)."

On 02 March 2007, applicant filed an executed declaration of inventorship. Additionally, applicant submitted a subsequent transmittal letter (PTO-1390) which indicated that "[t]his is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Article 22 and 39(1)."

On 10 May 2007, 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 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 02 May 2007 and a 35 U.S.C. 371 completion date of 02 May 2007.

On 07 June 2007, applicant filed "Request to Correct 35 U.S.C. 371 Date."

DISCUSSION

Applicant requests a corrected filing date (or 371(c) date) from 02 May 2007 to 02 March 2007. The actual filing date of the present application is the international filing date, i.e., 06 January 2006. (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 and the materials filed by applicant on 07 June 2007 confirms that the executed declaration completing the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) was filed herein on 02 March 2007. The Notification Of Acceptance and filing receipt mailed 10 May 2007, both of which identified the 35 U.S.C. 371(c) date as 02 May 2007, are therefore appropriately vacated.

Accordingly, the correction of the Notification of Acceptance to indicate a date of 02 March 2007 is proper.

CONCLUSION

Applicant's request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance and Official Filing Receipt is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 10 May 2007 are hereby **VACATED**.

The National Stage Processing Branch of the International Division will be instructed to issue a corrected Notification Of Acceptance (Form PCT/DO/EO/903) identifying the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date as 02 March 2007 and a corrected filing receipt which identifies 02 March 2007 as the filing date.

Thereafter, this application will be referred to its appropriate Art Unit.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

0 8 NOV 2007

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Knobbe Martens Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re Application of	:	
SINGH-GILL, et al.	:	DECISION ON
Application No.: 10/580,147	:	
PCT No.: PCT/NZ04/00293	:	REQUEST UNDER
Int. Filing Date: 18 November 2004	:	
Priority Date: 18 November 2003	:	37 CFR 1.497(d)
Attorney Docket No.: AJPARK38.001APC	:	
For: SYNTHETIC MOLECULES HAVING IMMUNE ACTIVITY	:	

This decision is in response to applicant's "REQUEST TO CORRECT INVENTORSHIP" filed 24 October 2007 in the United States Patent and Trademark Office (USPTO). The request is being considered pursuant to 37 C.F.R. 1.497(d). Applicant has provided payment of the $130.00 petition fee.

BACKGROUND

On 18 November 2004, applicant filed international application PCT/NZ0400293, which claimed priority of an earlier application filed 18 November 2003. A copy of the international application was communicated to the United States on 02 June 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 18 May 2006.

On 18 May 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a First Preliminary Amendment.

On 30 March 2007, applicant filed an executed declaration of the inventors which included an additional inventor, Gavin Painter who was not identified as an inventor on the published international application.

On 24 August 2007, 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. The notification pointed out the addition of inventor Painter.

On 24 October 2007, applicant filed the present petition to add Gavin Painter as an inventor in the above-identified application.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "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....applicant must submit:

(1) a petition including 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 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied items (1)-(3). However, applicant has not provided the written consent of the assignee in compliance with 37 CFR 3.73(b). In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

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 1.497(d)." 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
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Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

17 JUN 2008

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Knobbe Martens Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re Application of	:	
SINGH-GILL, et al.	:	DECISION ON RENEWED
U.S. Application No.: 10/580,147	:	
PCT No.: PCT/NZ04/00293	:	PETITION UNDER
Int. Filing Date: 18 November 2004	:	
Priority Date: 18 November 2003	:	37 CFR 1.497(d)
Atty Docket No.: AJPARK38.001APC	:	
For: SYNTHETIC MOLECULES HAVING IMMUNE ACTIVITY	:	

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.497(d)" filed 04 January 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 08 November 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months to file any request for reconsideration.

On 04 January 2008, applicant filed the present renewed petition.

DISCUSSION

As detailed in the decision mailed 08 November 2007, a request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

(1) a petition including 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 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant previously satisfied items (1)-(3). With the present filing of the consent of the

assignee to the addition of Mr. Gavin Frank Painter as an inventor in the present application it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons discussed above, the renewed request under 37 CFR 1.497(d) is **GRANTED**.

This application has an international application filing date of 18 November 2004 and will be given a date of **30 March 2007** 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
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Fax: (571) 273-0459

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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510

Mail Date: 04/21/2010

Applicant	: Alan M. Finn	: DECISION ON REQUEST FOR
Patent Number	: 7571791	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,149	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **665** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

PATENT ADMINISTRATOR
NEAL, GERBER, & EISENBERG
SUITE 1700
2 NORTH LASALLE STREET
CHICAGO IL 60602

In re Application of	:	
Adam Galas	:	
Application No. 10/580,163	:	ON PETITION
Filed: May 18, 2006	:	
Attorney Docket No. 15347.01US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 3, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 8, 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). 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 January 9, 2010.

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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 3635 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.

Terri Johnson
Petitions Examiner
Office of Petitions

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WOODCOCK WASHBURN, LLP
CIRA CENTRE
2929 ARCH STREET, 12TH FLOOR
PHILADELPHIA, PA 19104-2891

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MAR 3 1 2008

In re Application of	:	
CHRISTIE, et al.	:	
Application No. 10/580,164	:	DECISION ON PETITION
Filed: May 18, 2006	:	TO WITHDRAW
Attorney Docket No. **07-1009-WO-US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 10, 2007.

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

A review of the file record indicates that the power of attorney to **WOODCOCK WASHBURN, LLP** has been revoked by the assignee of the patent application on December 10, 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: **MCDONNELL BOEHNEN HULBERT & BERGHOFF, LLP**
300 S. WACKER DRIVE, 32ND FLOOR
CHICAGO, IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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20 DEC 2006

DICKSTEIN SHAPIRO LLP
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
NEW YORK NY 10036-2714

In re Application of	:	
BINKERT et al.	:	
Application No.: 10/580,169	:	DECISION ON PETITION
PCT No.: PCT/EP2004/012953	:	
Int. Filing Date: 16 November 2004	:	UNDER
Priority Date: 21 November 2003	:	
Attorney Docket No.: A0345.0025	:	37 CFR 1.497(d)
For: NOVEL THIAZOLIDIN-4-ONE DERIVATIVES	:	

This decision is in response to applicants' "REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)(1)" filed in the United States Patent and Trademark Office (USPTO) on 01 December 2006, which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 16 November 2004, applicants filed international application PCT/EP2004/012953, which designated the United States and claimed a priority date of 21 November 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 May 2006 (21 May 2006 being a Sunday).

On 19 May 2006, 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 01 December 2006, applicants filed the instant "REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)(1)", which has properly been treated as a petition under 37 CFR 1.497(d). The petition was accompanied by a statement by Oliver Nayler, a consent of assignee statement, and a statement under 37 CFR 3.73(b).

DISCUSSION

37 CFR 1.497(d), provides:

(d) 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, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

(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 Sec. 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 Sec. 3.73(b) of this chapter); and

(4) Any new oath or declaration required by paragraph (f) of this section.

Items (1)-(3) have been satisfied. Item (4) is not required.

The declaration of inventors filed 01 December 2006 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Christoph Binkert, Martin Bolli, Boris Mathys, Claus Mueller, Michael Scherz, and Oliver Nayler as inventors.

Daniel Stemmer
Legal Examiner
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0 2 SEP 2008

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DICKSTEIN SHAPIRO LLP
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
NEW YORK NY 10036-2714

In re Application of	:	
BINKERT et al.	:	
Application No.: 10/580,169	:	
PCT No.: PCT/EP2004/012953	:	DECISION
Int. Filing Date: 16 November 2004	:	
Priority Date: 21 November 2003	:	
Attorney's Docket No.: A0345.0025	:	
For: NOVEL THIAZOLIDIN-4-ONE DERIVATIVES	:	

This decision is in response to applicants' "REQUEST FOR CORRECTED FILING RECEIPT AND CORRECTED NOTICE OF ACCEPTANCE OF APPLICATION" filed 01 February 2007, which has properly been treated as a petition under 37 CFR 1.181. (A second request for corrected filing receipt for a second matter was filed 23 April 2007. The correction requested in that submission has already been made.)

BACKGROUND

On 16 November 2004, applicants filed international application PCT/EP2004/012953, which designated the United States and claimed a priority date of 21 November 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 May 2006 (21 May 2006 being a Sunday).

On 19 May 2006, 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 of inventors.

On 01 December 2006, applicants filed a "REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R § 1.48(a)(1)" which was properly treated as a petition under 37 CFR 1.497(d)(1).

On 20 December 2006, a decision was mailed granting applicants' petition under 37 CFR 1.497(d).

On 12 January 2007, 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 (Form PCT/DO/EO/903) indicating the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date as 01 December 2006 and the date of completion of all 35 U.S.C. 371 requirements as 01 December 2006.

On 01 February 2007, applicants submitted a "REQUEST FOR CORRECTED FILING RECEIPT AND CORRECTED NOTICE OF ACCEPTANCE OF APPLICATION" requesting that the "FILING OR 371(c) DATE" indicated on the Filing Receipt be changed from 01 December 2006 to 19 May 2006 and that the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and the date of completion of all 35 U.S.C. 371 requirements be changed from 01 December 2006 to 19 May 2006. This request has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

The NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 lists two dates. (See MPEP § 1893.03(b) for a more detailed discussion regarding the difference between the two dates.) The date on the left is the date the requirements under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) have been met. In this case, that date is 01 December 2006. The date on the right is the date of completion of all 35 U.S.C. 371 requirements. In this case, that date is also 01 December 2006. The "FILING OR 371(c) DATE" indicated on the Filing Receipt is also 01 December 2006.

35 U.S.C. 371(c)(4) requires "an oath or declaration of the inventor (or other person authorized under chapter 11 of this title) complying with the requirements of section 115 of this title and with regulations prescribed for oaths or declarations of applicants". 37 CFR 1.497(d) is a regulation prescribed for oaths or declarations of applicants. Applicants complied with 37 CFR 1.497(d) on 01 December 2006. Accordingly, the indications on the Filing Receipt and on the NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 are correct.

CONCLUSION

For the reasons set forth above, applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed 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.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
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UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

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

In re Application of :

Vikas Madhusudan Nadkarni et al. :
Application No. 10/580,172 : DECISION ON PETITION
Filed: May 22, 2006 : TO WITHDRAW
Attorney Docket No. 602182000100 : 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 Peter Davis 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: **Vikas Madhusudan Nadkarni**
A-18, Garden Estate, Off.D.P. Rd.
Aundh
Pune, 411 007
India

cc: **Raj S. Dave, Ph.D**
Darby & Darby P.C.
1500 K Street, N.W.
Suite 250
Washington D.C. 20005-1714

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
10/580,172	05/22/2006	Vikas Madhusudan Nadkarni	602182000100

CONFIRMATION NO. 2011

OC000000025705498

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

Date Mailed: 09/06/2007

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.

J. Williams

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

2 3 SEP 2008

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WINSTON AND STRAWN
200 PARK AVE
NEW YORK, NY 10166

In re Application of :
Cohen *et al* :
U.S. Application No.: 10/580,176 :
PCT No.: PCT/IL2004/001080 :
Int. Filing Date: 24 November 2004 : **DECISION**
Priority Date: 24 November 2003 :
Docket No.: COHEN61 :
For: DNA Vaccines Encoding HSP60 Peptide :
Fragments For Treating Autoimmune Diseases :

This decision is in response to the "Revocation And Power of Attorney..." filed on 06 December 2007.

DISCUSSION

37 CFR 1.36(a) states that a power of attorney may be revoked at any stage in the proceedings of a case by an applicant or assignee. Section 402.05 of the Manual of Patent Examining Procedure (MPEP) discusses revocation and states:

> Revocation of the power of attorney becomes effective on the date that the revocation is RECEIVED in the Office (not on the date of ACCEPTANCE).

Here, the request for revocation of all previous powers of attorney and grant of power of attorney to the attorneys and/or patent agents associated with customer number 28765 was signed on behalf of the assignee of the subject application. A statement under 37 CFR 3.73(b) was also included, which identifies the assignee, refers to the reel and frame numbers where the assignment is recorded, and is signed by Ruth Granoth and Meir Fast, who indicate that they are empowered to act on behalf of the assignee.

DECISION

Applicants' request is **GRANTED**.

This application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing, including updating the electronic records to the USPTO to show the correspondence address and representative status to correspond to Customer Number 28765.

A copy of this decision will be forwarded to applicants' former counsel.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel.: (571) 272-3283

cc: BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

United States Patent and Trademark Office

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www.uspto.gov

02 APR 2007

NOVARTIS
CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 104/3
EAST HANOVER, NJ 07936-1080

In re Application of	:	
Brenneisen et al.	:	
Application No.: 10/580,186	:	
PCT No.: PCT/EP04/13413	:	
Int. Filing Date: 25 November 2004	:	DECISION
Priority Date: 26 November 2003	:	
Attorney Docket No.: 33276-US-PCT	:	
For: Plant Extracts For The Treatment Of Increased Bone Resorption	:	

This is a decision on the correspondence filed on 26 July 2006, which is being treated as a request to correct inventorship under 37 CFR 1.497(d).

BACKGROUND

This international application was filed on 25 November 2004, claimed an earliest priority date of 26 November 2003, and designated the United States. The International Bureau (IB) transmitted a copy of the published international application to the USPTO on 09 June 2005. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 26 May 2006. On 22 May 2006, applicants filed *inter alia* the basic national fee.

DISCUSSION

The declaration of the inventors filed on 26 July 2006 lists a joint inventor, Rudolf Brenneisen, who was not nominated in the published international application, nor is an appropriate Form PCT/IB/306 present in the application file. This declaration is being treated under 37 CFR 1.497(d). 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) 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 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.).

Regarding requirement (1), applicants have not provided an appropriate statement by Mr. Brenneisen.

Regarding requirement (2), the required processing fee is being charged to counsel's Deposit Account No. 19-0134, per the authorization included in the Transmittal Letter filed on 22 May 2006.

Regarding requirement (3), review of the record reveals that either Novartis AG and/or Universität Bern may enjoy an assignment interest in this international application, but applicants have not submitted the appropriate written consent of the assignee(s), along with appropriate 37 CFR 3.73(b) statement(s). Nor have applicants indicated that no assignment interest pertains to this application. As such, requirement (3) has not been satisfied.

CONCLUSION

The declaration is **NOT ACCEPTED** under 37 CFR 1.497(d), without prejudice.

If reconsideration on the merits of this matter 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). Failure to timely reply will result in **ABANDONMENT** of this application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.497(d)". No additional processing fee is required.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
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1 0 DEC 2007

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NOVARTIS
CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 104/3
EAST HANOVER, NJ 07936-1080

In re Application of	:	
Brenneisen et al.	:	
Application No.: 10/580,186	:	
PCT No.: PCT/EP04/13413	:	
Int. Filing Date: 25 November 2004	:	DECISION
Priority Date: 26 November 2003	:	
Attorney Docket No.: 33276-US-PCT		:
For: Plant Extracts For The Treatment	:	
Of Increased Bone Resorption		:

This is a decision on the renewed request to correct inventorship under 37 CFR 1.497(d) filed on 21 September 2007.

DISCUSSION

In a Decision mailed on 02 April 2007, the request under 37 CFR 1.497(d) filed on 26 July 2006 was not accepted, without prejudice, because

> *Regarding requirement (1), applicants have not provided an appropriate statement by Mr. Brenneisen.*
>
> *Regarding requirement (3), review of the record reveals that either Novartis AG and/or Universität Bern may enjoy an assignment interest in this international application, but applicants have not submitted the appropriate written consent of the assignee(s), along with appropriate 37 CFR 3.73(b) statement(s). Nor have applicants indicated that no assignment interest pertains to this application. As such, requirement (3) has not been satisfied.*

In response, and with respect to requirement (1), counsel has provided a 3-page "Supplemental Declaration..." signed by Rudolf Brenneisen which includes an appropriate statement of lack of deceptive intent.

With respect to requirement (3), counsel states that "To our knowledge, an assignment has not been executed by any of the original named inventors." This statement is being accepted in satisfaction of requirement (3).

It is noted that the declaration filed on 26 July 2006 was not acceptable because it included an un-initialed alteration.

The $200.00 fee paid on 21 September 2007 is not required, as the requisite fee was paid on 03 April 2007. Therefore, it is being refunded to counsel's Deposit Account, as authorized.

CONCLUSION

The declaration filed on 21 September 2007 is **ACCEPTED** under 37 CFR 1.497(d).

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **21 September 2007**.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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1 0 MAY 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of	:	
CADUFF et al.	:	
Application No.: 10/580,209	:	DECISION
PCT No.: PCT/CH2004/000077	:	
Int. Filing Date: 10 February 2004	:	
Priority Date: 02 December 2003	:	
Attorney Docket No.: U 016310-9	:	
For: A DEVICE AND METHOD FOR MEASURING A PROPERTY OF LIVING TISSUE	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 05 April 2007 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 10 February 2004, applicants filed international application PCT/CH2004/000077, which designated the United States and claimed a priority date of 02 December 2003. A copy of the international application was communicated from the International Bureau to the USPTO on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 June 2006.

On 22 May 2006, 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 the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

On 09 February 2007, 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 05 April 2007, applicants filed the instant petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or

cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

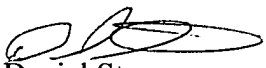
Item (1) has been met. However, items (2)-(4) have not been met and do not appear to have been attempted to be met: no factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort has been provided; no statement of the last known address of the missing inventor has been provided; and no 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 has been provided.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

A proper response must be filed within a time limit of ONE MONTH from the date of this decision or within the time remaining in the response set forth in the NOTIFICATION mailed 09 February 2007, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the NOTIFICATION mailed 09 February 2007 may be extended 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.



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05 SEP 2007

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NEW YORK NY 10023

In re Application of	:	
CADUFF et al.	:	
Application No.: 10/580,209	:	DECISION
PCT No.: PCT/CH2004/000077	:	
Int. Filing Date: 10 February 2004	:	
Priority Date: 02 December 2003	:	
Attorney Docket No.: U 016310-9	:	
For: A DEVICE AND METHOD FOR MEASURING A PROPERTY OF LIVING TISSUE	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 10 July 2007 and applicants' supplemental submission filed 09 August 2007 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 10 February 2004, applicants filed international application PCT/CH2004/000077, which designated the United States and claimed a priority date of 02 December 2003. A copy of the international application was communicated from the International Bureau to the USPTO on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 June 2006.

On 22 May 2006, 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 the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

On 09 February 2007, 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 05 April 2007, applicants filed a petition under 37 CFR 1.47(a).

On 10 May 2007, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a) without prejudice for failing to provide factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, failing to provide a

statement of the last known address of the missing inventor, and for failing to provide 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.

On 10 July 2007, applicants filed a renewed petition under 37 CFR 1.47(a).

On 09 August 2007, applicants filed a supplemental submission including numerous letters between Kurt Sutter and non-signing inventor Pascal Truffer and English translations thereof. The submission also included a signed statement of facts by Mr. Sutter.

DISCUSSION

Extension of Time

The decision mailed 10 May 2007 set forth a time limit of ONE MONTH from the mailing date of the decision or within the time remaining in the response set forth in the NOTIFICATION mailed 09 February 2007, whichever was longer. It was noted that no extension of this time limit would be granted under 37 CFR 1.136, but the period for response set in the NOTIFICATION mailed 09 February 2007 could be extended under 37 CFR 1.136(a).

The fee for a four month extension of time for the renewed petition filed 10 July 2007 has been charged to Deposit Account 12-0425.

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.

As noted in the decision mailed 10 July 2007, item (1) has been met.

Items (2) and (3) have been met as well.

Item (4) has still not been met. No oath or declaration by each 37 CFR 1.47(a) applicant (i.e., Andreas Caduff, Stephan Buschor, Etienne Hirt, and Gianluca Stalder)on his or her own behalf and on behalf of the non-signing joint inventor has been provided.

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).

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

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31OCT 2007

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NEW YORK NY 10023

In re Application of	:	
CADUFF et al.	:	
Application No.: 10/580,209	:	DECISION
PCT No.: PCT/CH2004/000077	:	
Int. Filing Date: 10 February 2004	:	
Priority Date: 02 December 2003	:	
Attorney Docket No.: U 016310-9	:	
For: A DEVICE AND METHOD FOR MEASURING A PROPERTY OF LIVING TISSUE	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 28 September 2007 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 10 February 2004, applicants filed international application PCT/CH2004/000077, which designated the United States and claimed a priority date of 02 December 2003. A copy of the international application was communicated from the International Bureau to the USPTO on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 June 2006.

On 22 May 2006, 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 the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

On 09 February 2007, 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 05 April 2007, applicants filed a petition under 37 CFR 1.47(a).

On 10 May 2007, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a) without prejudice for failing to provide factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, failing to provide a

statement of the last known address of the missing inventor, and for failing to provide 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.

On 10 July 2007, applicants filed a renewed petition under 37 CFR 1.47(a).

On 09 August 2007, applicants filed a supplemental submission including numerous letters between Kurt Sutter and non-signing inventor Pascal Truffer and English translations thereof. The submission also included a signed statement of facts by Mr. Sutter.

On 05 September 2007, a decision was mailed treating both the submissions filed 10 July 2007 and 09 August 2007 as a renewed petition under 37 CFR 1.47(a). The petition was dismissed without prejudice for failing to provide 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.

On 28 September 2007, applicants submitted the instant renewed petition under 37 CFR 1.47(a), which was accompanied by four declarations of inventors.

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 noted in the decision mailed 10 July 2007, item (1) has been met.

As noted in the decision mailed 05 September 2007, items (2) and (3) have been met as well.

Item (4) has now been met. The declarations of inventors filed 28 September 2007 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, applicants' renewed 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 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 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 **28 September 2007**.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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10 MAY 2007

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L STREET NW
WASHINGTON, D.C. 20037-1526

In re Application of	:	
CRESPO-DUBIE, Daniel et. al.	:	DECISION ON
Application No.: 10/580,214	:	
PCT No.: PCT/US03/08505	:	PETITION
Int. Filing Date: 20 March 2003	:	
Priority Date: 20 March 2002	:	UNDER 37 CFR 1.137(b)
Attorney's Docket No.: K3831.0170/P170-PC	:	
For: Home Gateway Architecture and State Based Distributed System And Method	:	

The petition to revive under 37 CFR 1.137(b) filed 23 May 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant filed on 23 May 2006 the required petition fee, the basic national fee, the national stage search fee and the examination fee.

An oath or declaration of the inventors under 35 U.S.C. 371(c)(4) and 37 CFR 1.497 and, the surcharge for filing the oath or declaration later than 30 months from the priority date are required.

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 National Stage Processing Division of the Office of PCT Operations for continued processing.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3288
Facsimile: (571) 273-0459

Stefan Staicovici
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-1208

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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David Klein
Dekel Patent
Beit HaRof'im
Room 27 18 Menuha VeNaha Street
Rehovot IL ISRAEL

MAILED

MAY 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Joseph Shapira et al.	:	
Application No. 10/580,224	:	DECISION ON PETITION
Filed: May 22, 2006	:	
Attorney Docket No. **1369MMG-US**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit formal drawings on or before January 19, 2010, as required by the Notice of Allowability, mailed October 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings , (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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**OBLON, SPIVAK, MCCLELLAND,
MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314**

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SEP 17 2007

OFFICE OF PETITIONS

In re Application of
Takemasa Kawahara
Application No. 10/580,226
Filed: February 2, 2007
Attorney Docket No. 291247US3PCT

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 August 1, 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 C. Irwin McClelland on behalf of all attorneys of record who are associated with customer No. 22850. All attorneys/agents associated with the Customer Number 22850 have been withdrawn.

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

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

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Takemasa Kawahara
c/o Sea Shell Co., Ltd., 8-2-1
Uehonmachi, Tennoji-ku
Osaka-shi, Osaka 543-0001
JAPAN

cc: Mr. Takemasa Kawahara
c/o Nakai International Patent Office
Nikkan Kogyo Shimbun, Ltd, Osaka Branch
Office Bldg. 7F
2-16 Kitahamhigashi Chuo-ku
Osaka-shi, Osaka 540-0031
JAPAN

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/580,226	02/02/2007	Takemasa Kawahara	291247US3PCT

CONFIRMATION NO. 1822

22850
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

OC000000025850129

Date Mailed: 09/17/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/01/2007.

- 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.

K. Brabnet

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

FORMER ATTORNEY/AGENT COPY

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Emil Edwin	: DECISION ON REQUEST FOR
Patent Number	: 7585483	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,231	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **46** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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10 MAY 2007

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, N.W.
WASHINGTON, D.C. 20006

In re Application of	:	
COLLIER, Remy et al.	:	DECISION ON
Application No.: 10/580,264	:	
PCT No.: PCT/FR04/50616	:	PETITION
Int. Filing Date: 25 November 2004	:	
Priority Date: 28 November 2003	:	UNDER 37 CFR 1.137(b)
Attorney's Docket No.: 10404.043	:	
For: Polymer Foams of Very Low Density And Their Process of Manufacture	:	

The petition to revive under 37 CFR 1.137(b) filed 27 March 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant filed on 27 March 2007 the required petition fee, the basic national fee, the national stage search and examination fees, the declaration and the surcharge for late filing of the declaration.

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 National Stage Processing Division of the Office of PCT Operations for continued processing.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3288
Facsimile: (571) 273-0459

Stefan Staicovici
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-1208

29 JUN 2006

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Michael Best & Friedrich, LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, WI 53202-4108

In re Application of :
BUNSMANN et al. :
Application No.: 10/580,282 : DECISION ON PETITION
PCT No.: PCT/DE04/02087 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 16 September 2004 :
Priority Date: 30 September 2003 :
Attorney Docket No.: 016382-9015 :
For: VEHICLE ROOF STRUCTURE FOR MOTOR VEHICLES :

The petition to revive under 37 CFR 1.137(b) filed 23 May 2006 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 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

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NOV 13 2009

November 5, 2009

Michael Best and Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108

In re Application of:
Udo Heselhaus et al.
Application No. 10/580,282
Filed: May 23, 2006
For: VEHICLE ROOF STRUCTURE FOR MOTOR VEHICLE

DECISION ON PETITION REGARDING REQUEST TO WITHDRAW FINALITY UNDER 37 CFR 1.181

This is in response to the petition filed on April 29, 2008 under 37 CFR 1.181 requesting the withdrawal of the finality of the Office action mailed March 21, 2008 as being premature.

Applicant alleges that the Final rejection mailed March 21, 2008 was premature in accordance with the guidelines of MPEP 706.07(a) "because no amendments to the claims were made since the preliminary amendment, which was filed on May 23, 2006."

A review of the record reveals that since the filing of the petition, an amendment after the Final Office action was filed by Applicant on May 27, 2008. Furthermore, a Notice of Allowance was mailed on September 2, 2008.

Therefore since the Examiner and Applicant agreed on allowable subject matter in the case, Applicant's arguments as to the premature finality are considered moot.

The petition is **DISMISSED as moot.**

Telephone inquiries should be directed to D. Glenn Dayoan, Supervisory Patent Examiner, at (571) 272-6659.

Frederick Schmidt, Director
Patent Technology Center 3600
(571) 272-5150

DGD/snm: 11/05/2009

SM

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ONE HEALTH PLAZA 104/3
EAST HANOVER, NJ 07936-1080

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JUL 25 2008

Applicant: Sellner, et al.
Appl. No.: 10/580,295
International Filing Date: November 30, 2004
Title: DELTA-AMINO-GAMMA-HYDROXY-OMEGA-ARYL-ALKANOIC ACID AMIDES AMD USE AS RENIN INHIBITORS
Attorney Docket No.: 33592-US-PCT
Pub. No.: 2007/0142475 A1
Pub. Date: June 21, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on August 21, 2007, 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 in claim 6 wherein "(1S, 2S, 4S)-2-amino" is misprinted as "1S, 2S, 452-amino".

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 or revised patent application publication other than as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in claim 6 wherein "(1S, 2S, 4S)-2-amino" is misprinted as "1S, 2S, 452-amino" is not a material Office error under 37 CFR 1.221. The text of the amendment filed on 5/23/06 is very small and not very legible.

Applicant is advised that he may want to file application papers that are clearer, as the error is due to the quality of the text. The text is small, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast

[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).

to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

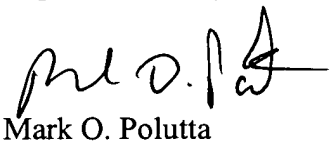
Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication 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 as a "Pre-Grant Publication" and any 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.



Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

0 5 NOV 2007

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Washington, D.C. 20231
www.uspto.gov

Eric L. Maschoff
Workman Nydegger
60 East South Temple
1000 Eagle Gate Tower
Salt Lake City, Utah 84111

In re Application of
CHANDRASIRI, et al.
Serial No.: 10/580,297
PCT No.: PCT/GB04/04711
Int. Filing Date: 05 November 2004
Priority Date: 19 November 2003
Atty Docket No.: 16458.7
For: NETWORKS

DECISION ON PETITION

UNDER 37 CFR 1.47(a)

This decision is in response to the petition under 37 CFR 1.47(a) filed 22 October 2007 to accept the application without the signature of joint inventor Pubudu Chandrasiri.

BACKGROUND

On 05 November 2004, applicant filed international application PCT/AU02/01752 which claimed priority to a previous application filed 19 November 2003. A copy of the international application was transmitted to the United States on 09 June 2005. Pursuant to 37 CFR 1.495 the period for providing payment of the full, U.S. Basic National Fee was set to expire thirty months from the priority date, or midnight 19 May 2006.

On 19 May 2006, 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 21 March 2007, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors was required, as well as, payment of the $130.00 surcharge for providing an executed oath or declaration later than thirty months from the earliest claimed priority date. Applicant was afforded two months to file a proper response.

On 22 October 2007, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a five-month extension of time and payment of the appropriate extension fee. Therefore, applicant's response is considered timely filed.

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 investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1 and 3.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature." According to the filed declaration of Mr. David Keston, the non-signing inventor were merely mailed a combined declaration and power of attorney rather than a complete set of application papers. As such, the subsequent silence cannot be considered a refusal under 37 CFR 1.47(a). In addition, it appears that attempts have been made to locate a current address for the non-signing inventor. As explained further in Section 409.03(d), in order to show a diligent effort to locate an inventor, "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." While applicant references searches made by Mr. Keston, these results have not been included with the present petition.

Regarding item 4, applicant has provided a declaration executed by the remaining inventors. However, the declaration is not in compliance with 37 CFR 1.497 (a)-(b). 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 filed declaration contains three pages four of five. As such, it appears that the inventors were not provided with complete declarations for signature or only returned the signature pages. Either scenario renders the documents non-compliant.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2)**

MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." 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

29 JUL 2008

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60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY UT 84111

In re Application of	:	
CHANDRASIRI, et al.	:	
U.S. Application No.: 10/580,297	:	DECISION ON RENEWED
PCT No.: PCT/GB04/04711	:	
Int. Filing Date: 05 November 2004	:	PETITION UNDER
Priority Date: 19 November 2003	:	
Attorney Docket No.: 16458.7	:	37 CFR 1.47(a)
For: NETWORKS	:	

This decision is in response to the applicant's "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)" filed 05 June 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 05 November 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor Pubudu Chandrasiri. Applicant was afforded two months to file a renewed petition.

On 05 June 2008, applicant filed the renewed petition under 37 CFR 1.47(a) discussed herein accompanied by a petition for a five-month extension of time and payment of the appropriate extension of time fee. The response is therefore considered timely filed.

DISCUSSION

As detailed in the decision mailed 05 November 2007, 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 investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1 and 3.

With the filing of the present renewed petition and supporting documentation, applicant has satisfied all of the concerns raised in the decision of 05 November 2007 and it is proper to grant applicant's renewed petition at this time. Specifically, applicant has provided evidence of the diligent effort to locate the non-signing inventor in the form of a firsthand statement of the efforts, as well as, the results of internet searches. In addition, applicant has presently provided a series of compliant declarations executed by the remaining inventors on their own behalf and on

behalf of joint inventor Pubudu Chandrasiri.

CONCLUSION

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 05 November 2004 under 35 U.S.C. 363, and will be given a date of **05 June 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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

29 JUL 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Mr. Pubudu Chandrasiri
176 Winterthur Way
Basingstoke
Hampshire
RG21 7UE
UNITED KINGDOM

In re Application of
CHANDRASIRI, et al.
U.S. Application No.: 10/580,297
PCT No.: PCT/GB04/04711
Int. Filing Date: 05 November 2004
Priority Date: 19 November 2003
Attorney Docket No.: 16458.7
For: NETWORKS

Dear Mr. Chandrasiri:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

Eric L. Maschoff
WORKMAN NYDEGGER
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY UT 84111
UNITED STATES OF AMERICA

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of	:	
WAGENER, MICHAEL et al.	:	DECISION ON REQUEST TO
Application No. 10/580,300	:	PARTICIPATE IN PATENT
Filed: October 23, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 047653/311996	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 22, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(3) Examination of the U.S. application has not begun;
(4) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) that are the basis for the request.
(5) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(6) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fails to comply with the requirement because:

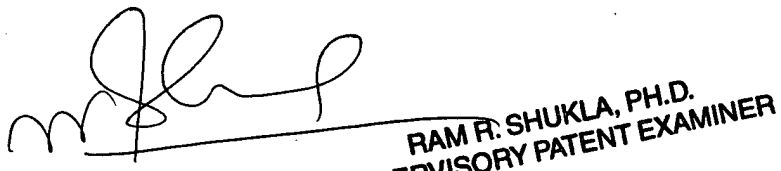
A copy of all EPO office actions and a copy of the allowed claims and English translation thereof have not been provided.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

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DARBY & DARBY, PC
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CHURCH STREET STATION
NEW YORK, NY 10008-0770

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AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of :
Christian Hamm-Dubischar :
Application No. 10/580,301 : ON PETITION
Filed: May 23, 2006 :
Attorney Docket No. 21381/0212120-USO :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment (Notice), mailed October 15, 2007 , which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 16, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED** *nunc pro tunc*.

The Technology Center was without authority to act further in the case absent a grantable petition reviving this application after abandonment. Nevertheless, in view of this decision on petition the amendment filed concurrently with the petition on July 8, 2009 is now considered a proper filing and the actions of the Technology Center taken thereafter are hereby ratified.

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

This application is being referred to Technology Center AU 2624 for appropriate action by the Examiner in the normal course of business on the reply received July 8, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

28 JUN 2006

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THE FIRM OF KARL F ROSS
5676 RIVERDALE AVENUE
PO BOX 900
RIVERDALE (BRONX) NY 10471-0900

In re Application of HEAD et al.
Application No.: 10/580,303
PCT No.: PCT/EP04/53029
Int. Filing: 19 November 2004
Priority Date: 20 November 2003
Attorney Docket No.: 23639
For: ELECTRIC MOTORS FOR POWERING DOWNHOLE

DECISION ON

PETITION UNDER

37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 23 May 2006 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).

A review of the application file reveals that the basic national fee of $150 has been provided. The required petition fee of $750 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(a) and (b) and the $130 surcharge fee 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
Facsimile: (571) 273-0459

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/11/2010

Applicant	: Alfred Rieder	: DECISION ON REQUEST FOR
Patent Number	: 7614309	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/580,314	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **153** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/20/2010

Applicant	: Cecile Joubert	: DECISION ON REQUEST FOR
Patent Number	: 7589816	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,319	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/25/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **436** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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DEC 07 2007

TECHNOLOGY CENTER 2100

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Application of: MITARAI et al.
Application No. 10/580,327
Filed: June 28, 2007
For: CODING METHOD AND APPARATUS, AND COMPUTER PROGRAM AND COMPUTER-READABLA STORAGE MEDIUM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 25, 2007, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in

the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Mano Padmanabhan

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 06/25/2010

Applicant	: Andre De Lustrac	: DECISION ON REQUEST FOR
Patent Number	: 7636070	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/580,338	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/25/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **584** 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 MAR 2007

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

In re Application of	:	
PATARCHI	:	
Application No.: 10/580,339	:	
PCT No.: PCT/IT2004/000648	:	DECISION
Int. Filing Date: 24 November 2004	:	
Priority Date: 28 November 2003	:	
Attorney's Docket No.: 2540-1046	:	
For: A MULTIFUNCTIONAL ASPIRATING HOOD FOR HOUSEHOLD USE	:	

This decision is in response to applicant's "SUBMISSION UNDER 37 CFR 1.28(c)(2)" filed 25 August 2006.

On 24 November 2004, applicant filed international application PCT/IT2004/000648, which designated the United States and claimed a priority date of 28 November 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 09 June 2005. The thirty-month period for paying the basic national fee in the United States expires at midnight on 28 May 2006.

On 25 May 2006, 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, the U.S. National Stage Search Fee, the U.S. National Stage Examination Fee, and an assertion of small entity status.

Applicant's submission filed 25 August 2006 complies with 37 CFR 1.28(c). The error in small entity status is excused.

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

03/19/2007 SBASHEIR 00000001 250120 10580339

01 FC:1631 300.00 OP
02 FC:1633 50.00 DA 150.00 OP
03 FC:1642 400.00 DA

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30 AUG 2007

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800 33333
WASHINGTON, DC 20037

In re Application of OTT, Josef Application No.: 10/580,344 PCT No.: PCT/CH04/00700 Int. Filing Date: 19 November 2004 Priority Date: 26 November 2003 Attorney's Docket No.: Q95051 For: Seal For Affecting A Sealing Between Parts Having Limited Mobility	DECISION ON PETITION UNDER 37 CFR 1.47(b)

This is a decision on applicant's "Petition Under 37 C.F.R. 1.47(b)," filed in the United States Patent and Trademark Office on 01 August 2007 on behalf of the assignee and the non-signing inventor Josef Ott.

BACKGROUND

On 19 November 2004, applicant filed international application PCT/CH04/00700, claiming a priority date of 26 November 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 May 2006.

On 25 May 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied, *inter alia*, by the requisite basic national fee and a Memorandum of Law ("Memorandum") explaining the Swiss Code of Obligations (CO) that determines ownership of inventions as between an employer and an employee under Swiss law.

On 12 April 2007, 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 01 August 2007, applicant submitted, *inter alia*, the declaration, the surcharge for late filing of the declaration, a two-month extension fee, a declaration of relevant facts by Mr. Stefan Day, a declaration by Mr. Stefan Harke and, the present petition filed under 37 CFR 1.47(b) requesting acceptance of the application without the signature of the applicant.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

As to item (1), applicants have submitted an incorrect fee of $130.00. The correct fee for a petition filed under 37 CFR 1.47(b) is $200.00 under 37 CFR 1.17(g). Based on applicant's authorization filed with the instant petition on 01 August 2007, an additional amount of $70.00 will be charged to Deposit Account No. 19-4880.

With regard to item (2), the declaration of Mr. Stefan Day ("Declaration"), a person having first-hand knowledge of the facts recited, indicates that assignment papers and a declaration were sent to Mr. Josef Ott on two occasions; 16 August 2005 and 20 September 2005 (see Exhibits 3, 4 and 8). Further, the Declaration indicates that on 12 October 2005, Mr. Stefan Day had a telephonic conversation with Mr. Josef Ott, in which Mr. Josef Ott expressly stated that he does not intend to execute the declaration. Although the Declaration indicates an express oral refusal, the Declaration does not provide any evidence that non-signing inventor Josef Ott was presented with a copy of the application papers (specification, claims, drawings and oath or declaration). 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, claims, drawings, and oath or declaration) to the non-signing inventor for signature such that the inventor understands what exactly he is being asked to sign. Copies of documentary evidence such as a certified mail return receipt, cover letter of instructions, telegrams, etc., which support a finding that a complete copy of the application papers had been sent to the applicant should be made a part of the declaration or affidavit. Therefore, item (2) has not been satisfied.

With regard to item (3), the last known address of non-signing inventor Josef Ott is indicated as: Sonnenrainstrasse 10, 8735 St. Gallenkappel, Switzerland. Hence, item (3) has been satisfied.

With regard to item (4), the declaration executed by the 37 CFR 1.47(b) applicant does not comply with 37 C.F.R. 1.497(a)-(b) because the declaration has not been properly executed in accordance with 37 CFR §§1.497(b)(1) and 1.47(b). MPEP §409.03(b)(A) states that:

> ... Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration.

> A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation.
>
> ...Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

In this case, the name of the person signing the declaration is not clear. Furthermore, the title of the person signing the declaration has not been provided. Hence, item (4) has not been satisfied.

With regard to item (5), the Memorandum of Law, filed by Mr. Stefan Day on 25 May 2006, indicates that under Swiss law, "inventions made by the employee belong to the employer if made in the course of employee's employment activities and contractual duties" (see page 2 of the Memorandum). However, applicant has not provided evidence as to the "employment and contractual duties" of Mr. Josef Ott while employed by the 37 CFR 1.47(b) applicant. Although, the employment agreements signed by Mr. Josef Ott (see Exhibits 11 and 12) indicate that he agreed to certain employment rules and regulations, the evidence does not indicate whether the invention was made as part of his "employment and contractual duties." It is noted that the declaration of Mr. Stefan Harke, Manager Laboratory and Measurement Engineering, appears to indicate that such "employment and contractual duties" are shown in Exhibit 1. However, a translation into the English language of Exhibit 1 has not been provided. A full translation into the English language of all documents filed in a language different than the English language is required. Therefore, the evidence provided is not sufficient to show that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the subject matter of the instant application to justify the filing of the application. Hence, item (5) has not been satisfied.

With regard to item (6), petitioner has demonstrated that irreparable harm will result if the application is not permitted to proceed. Hence, item (6) has been satisfied.

Based on the totality of the evidence currently of record, it would not be appropriate to consider the requirements of 37 CFR 1.47(b) to have been satisfied.

CONCLUSION

Applicant's petition requesting acceptance of the application without the signature of the inventor is **DISMISSED**, without prejudice, for the reasons described *supra*.

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.

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

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

Stefan Staicovici
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-1208
Facsimile: (571) 273-0459

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22 APR 2008

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, NW
SUITE 800 33333
WASHINGTON, DC 20037

In re Application of:	:	
OTT, Josef	:	DECISION ON RENEWED
U.S. Application No.: 10/580,344	:	PETITION UNDER
PCT No.: PCT/CH04/00700	:	37 CFR 1.47(b)
International Filing Date: 19 November 2004	:	
Priority Date: 26 November 2003	:	
Attorney's Docket No.: Q95051	:	
For: SEAL FOR AFFECTING A SEALING BETWEEN PARTS HAVING LIMITED MOBILITY	:	

This decision is mailed in response to the "Renewed Petition Under 37 CFR 1.47(b)" filed 28 January 2008. No additional petition fee is required.

BACKGROUND

In a decision mailed by this Office on 30 August 2007, the petition under 37 CFR 1.47(b) filed 01 August 2007 was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had failed to provide the following: (a) adequate proof that the inventor had refused to execute the application; (b) an acceptable declaration executed on behalf of the non-signing inventor by the 37 CFR 1.47(b) applicant; and (c) an acceptable showing that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application.

On 08 January 2008, petitioner filed the renewed petition considered herein (with required extension fee).

DISCUSSION

With respect to the showing that the inventor has refused to execute the application, the renewed petition includes an additional firsthand statement, with supporting documents, confirming that a copy of the complete application has been forwarded to the inventor along with a request for signature, and that the inventor has expressly refused to sign the application documents. This submission, in combination with the original petition, provides an acceptable showing that the inventor has refused to execute the application. Accordingly, this element of a grantable petition is now satisfied.

With respect to the required declaration, the renewed petition is accompanied by a revised declaration executed on behalf of the non-signing inventor by the 37 CFR 1.47(b) applicant, Weidman Plastics Technology AG ("Weidman Plastics"). The declaration clearly identifies the person signing on behalf of Weidman Plastics as "Suzanne Thoma, Director."[1] The revised declaration satisfies the declaration requirement of a grantable petition.

With respect to the showing of proprietary interest, the renewed petition includes a supplemental legal memorandum (accompanied by an English translation of referenced documents) which concludes that, under the present facts and applicable law, the invention underlying the present application belongs to the 37 CFR 1.47(b) applicant. These materials, in combination with those previously filed, provide an adequate showing that 37 CFR 1.47(b) applicant has the required proprietary interest in the present application. Petitioner has therefore satisfied the final requirement for a grantable petition.

Based on the above, petitioner has now satisfied all the outstanding requirements for a grantable petition.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**. The application is accepted without the signature of non-signing inventor Josef OTT.

A notice of the acceptance of the application under 37 CFR 1.47(b) will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 28 January 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

[1] It is noted that, as set forth in MPEP section 324(V), a "Director" of a foreign company is presumed to have authority to act on behalf of such company.

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Sascha Kopplin	: DECISION ON REQUEST FOR
Patent Number	: 7668991	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,388	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CARESTREAM HEALTH, INC.
150 VERONA STREET
ROCHESTER, NY 14608

MAILED

JUL 22 2009

OFFICE OF PETITIONS

In re Application of :
Alain Boucly, et al. :
Application No. 10/580,395 : DECISION GRANTING PETITION
Filed: April 27, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 88851SLP :

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed July 21, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 26, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2884 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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

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Alexandria, Virginia 22313-1450
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Carestream Health, Inc.
150 Verona Street
Rochester, NY 14608

Mail Date: 04/21/2010

Applicant	: Alain Boucly	: DECISION ON REQUEST FOR
Patent Number	: 7608834	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,395	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **117** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

MAILED

JAN 22 2010

OFFICE OF PETITIONS

In re Application of :
Banham et al. :
Application No. 10/580,397 :
Filed: February 13, 2007 :
Attorney Docket No. HAMM0012UPCTUS :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 1, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Richard Neifeld on behalf of all attorneys of record, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with same Customer Number.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

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

Currently, there is no outstanding Office action that requires a reply.

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

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4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

COPY MAILED
FEB 04 2010

In re Application of
Banham et al.
Application No. 10/580,397
Filed: February 13, 2007
Attorney Docket No. HAMM0012UPCTUS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 3, 2010.

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

A review of the file record indicates that on January 4, 2010 the power of attorney to Neifeld IP Law, PC 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: OPTICUS IP LAW, PLLC
7791 ALISTER MACKENZIE DRIVE
SARASOTA FL 34240

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/20/2010

Applicant	: Shingo Sakakibara	: DECISION ON REQUEST FOR
Patent Number	: 7638588	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,404	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/24/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **274** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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11 DEC 2007

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of :
TORMO I BLASCO et al. :
Application No. 10/580,416 :
PCT No.: PCT/EP04/14328 :
Int. Filing Date: 16 December 2004 : COMMUNICATION
Priority Date: 18 December 2003 :
Att. Docket No.: 5000-0170PUS1 :
For: 6-(2-Halophenyl) Triazolopyrimidines, :
Their Preparation And Their Use For :
Controlling Harmful Fungi, And Compo... :

This is in response to the "Request For Corrected Notice Of Acceptance" filed on 11 January 2007.

BACKGROUND

This international application was filed on 16 December 2004, claimed an earliest priority date of 18 December 2003, and designated the U.S. The International Bureau communicated a copy of the published international application to the USPTO on 30 June 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 19 June 2006 (since 18 June 2006 was a Sunday). Applicants filed, *inter alia*, the basic national fee on 23 May 2006.

On 28 December 2006, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to applicants, reflecting a date under 35 U.S.C. 371(c)(1), (2) and (4) of 23 May 2006, and a "Date of Completion of All 35 U.S.C. 371 Requirements" of 18 June 2006.

DISCUSSION

Applicants request issuance of a Notice of Acceptance revised so as to show a "Date of Completion of All 35 U.S.C. 371 Requirements" of – May 23, 2006 –.

35 U.S.C. provides in part that

> (b) Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time limit under article 22 (1) or (2), or under article 39 (1)(a) of the treaty.
>
> (f) At the express request of the applicant, the national stage of processing may be commenced at any time at which the application is in order for such purpose and the applicable requirements of subsection (c) of this section have been complied with.

Review of the electronic application file reveals that applicants do not appear to have made an "express request" under 35 U.S.C. 371(f). It is observed that the check box provided for this purpose on the Transmittal Letter (Form PTO-1390) was not checked. Therefore, the date of commencement of the national stage (i.e., the "Date of Completion of All 35 U.S.C. 371 Requirements") was the date of the expiration of the applicable time limit under article 22(1) or (2), or under article 39(1)(a) of the treaty - that is, 18 June 2006. As such, the Notice of Acceptance mailed on 28 December 2006 was not in error.

CONCLUSION

Applicants' request is **REFUSED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Mail Date: 04/21/2010

Applicant	: Ettore Elio Caprella	: DECISION ON REQUEST FOR
Patent Number	: 7636848	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,438	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/24/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **612** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Jonathan Hughes	: DECISION ON REQUEST FOR
Patent Number	: 7592164	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,445	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/23/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **355** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Jonathan Hughes	: DECISION ON REQUEST FOR
Patent Number	: 7575912	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,448	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/23/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **316** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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NOV 23 2009

OFFICE OF PETITIONS

In re Application of :
Yasuji Ogawa, et al. :
Application No. 10/580,452 : DECISION ON PETITION
Filed: March 27, 2007 :
Attorney Docket No. NA28-002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 30, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 21, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 22, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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

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

This application is being referred to Technology Center AU 2855 for appropriate action by the Examiner in the normal course of business on the reply received September 30, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

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14 DEC 2007

THELEN REID BROWN RAYSMAN & STEINER LLP
P. O. BOX 640640
SAN JOSE CA 95164-0640

In re Application of	:	
RIVERA et al.	:	
Application No.: 10/580,453	:	DECISION ON
PCT No.: PCT/FR04/506027	:	
Int. Filing: 19 November 2004	:	PETITION UNDER
Priority Date: 27 November 2003	:	
Attorney Docket No.: 034299-000698	:	37 CFR 1.181
For: IN VIVO DIAGNOSTIC AND THERAPY MICRO-DEVICE	:	

This is a decision on applicants' "PETITION TO ACKNOWLEDGE ORIGINAL 371 APPLICATION FILING DATE AS OFFICIAL FILING DATE" pursuant to 37 CFR 1.181 filed in the United States Patent and Trademark Office (USPTO) on 29 October 2007. No petition fee is required.

BACKGROUND

On 23 May 2006, applicants filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390) along with, *inter alia*, the basic national fee.

On 21 February 2007, 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(a) & (b), and the surcharge for the filing the oath or declaration after the thirty month period, was required.

On 02 April 2007, in response to the Notification of Missing Requirements, applicant provided a copy of the declaration and the USPTO date-stamped itemized postcard receipt.

On 21 August 2007, a Notification of Acceptance was issued indicating that the Date of Receipt of the 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 requirements was 02 April 2007.

On 29 October 2007, applicant filed the instant petition to correct the 35 U.S.C. 371(c) date, to vacate the Notification of Acceptance and to issue a corrected Notification of Acceptance. Applicant included a copy of the declaration and an itemized USPTO date-stamped postcard indicating that a declaration and power of attorney were filed on 23 May 2006.

DISCUSSION

The original declaration filed on 23 May 2006 is not located in the application file.

As stated in section 503 of the Manual of Patent Examining Procedure (Rev. 2, May 2004)(MPEP):

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

A review of the USPTO date-stamped, itemized postcard receipt indicates that the declaration and power of attorney were deposited with the USPTO on 23 May 2006.

The evidence submitted is sufficient to establish that a declaration for this application was received in the USPTO on 23 May 2006. The communication filed 02 April 2007 includes a copy of the executed declaration. Accordingly, it is appropriate to accept the copy of the declaration as a replacement for the missing original declaration with a deposit date of 23 May 2006. The evidence submitted by applicant, the postcard receipt date stamped by the USPTO, is sufficient to overcome the *prima facie* evidence of the application file itself.

A review of the declaration reveals that the declaration identifies the inventors, and states the citizenship and mailing address of the inventors. Thus, the declaration is acceptable and the requirements of 37 CFR 1.497(a) and (b) are met.

The Notification of Missing Requirements mailed on 21 February 2007 and the Notification of Acceptance mailed on 21 August 2007 are hereby **VACATED**. A new corrected Notification of Acceptance will be issued indicating that the Date of Receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements was 23 May 2006.

CONCLUSION

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

The copy of the declaration originally submitted on 23 May 2006 and resubmitted on 02

April 2007 is acceptable and meets the requirements of 37 CFR 1.497.

The Notification of Missing Requirements mailed on 21 February 2007 and the Notification of Acceptance mailed on 21 August 2007 are **VACATED**.

The application will be forwarded to United States Designated/Elected Office for further processing including issuance of a corrected Notification of Acceptance. The 35 U.S.C. 371(c)(1), (2) and (4) date is **23 May 2006.**

/Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

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

MAILED

MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
William Vainchenker, et al.	:	
Application No. 10/580,458	:	DECISION GRANTING PETITION
Filed: May 24, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. DVCM0016US.C1	:	

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 June 19, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1652 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

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

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WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

MAIL

MAY 09 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
TOMA, TADAMASA, et al.
Application No. 10/580,468
Filed: May 25, 2006
Attorney Docket No. 2006_0815A

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 30, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

15 NOV 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

56639
EMPK & SHILOH, LLP
116 John St., Suite 1201
New York, NY 10038

In re Application of:
GAN *et al*
U.S. Application No.: 10/580,475
PCT No.: PCT/IL2003/000987
Int. Filing Date: 24 November 2003
Priority Date: 24 November 2003
Attorney Docket No.: P-9915-US
For: METHOD AND SYSTEM FOR IDENTIFICATION OF CHANGES IN FLUIDS

DECISION

This decision is in response to applicants' petition to revive under 37 CFR 1.137(b) filed on 24 May 2007 which is hereby **DISMISSED** as **MOOT**.

A review of the subject application shows that the Basic National Fee of $150.00 was timely submitted on 24 May 2006. Accordingly, a petition to revive under 37 CFR 1.137(b) is not required.

Applicants submitted the search, examination and additional claim fees on 24 May 2007. The $750.00 petition fee has been credited back to Deposit Account No. 50-3355 as authorized.

This application is being forwarded to the Office of Patent Application Processing for the mailing of a Form PCT/DO/EO/905.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

cc: Guy Yonay
PEARL COHEN ZEDEK LATZER, LLP
1500 Broadway, 12th Floor
New York, NY 10036

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,478	01/04/2007	Gerd Luedke	20030945-2	4344

7590 11/30/2009

AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER	
JANCA, ANDREW JOSEPH	

ART UNIT	PAPER NUMBER
1797	

NOTIFICATION DATE	DELIVERY MODE
11/30/2009	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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17 DEC 2007

Dinsmore & Shohl, LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, OH 45202

In re Application of	:	
WESTIN, et al.	:	
Application No.: 10/580,487	:	
PCT No.: PCT/IB04/04421	:	DECISION ON PETITION
Int. Filing Date: 24 November 2004	:	
Priority Date: 23 November 2003	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 26397-8US	:	
For: MUTANT LRP5/6 WNT-SIGNALING RECEPTORS IN CANCER DIAGNOSIS, PROGNOSIS, AND TREATMENT	:	

The petition to revive under 37 CFR 1.137(b) filed 30 November 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in responding to the Office Action from the due date to the filing of the grantable petition under 37 CFR 1.137(b)(3) 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 CRF of the sequence listing. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. In addition, a review of the filed papers finds that applicant has currently provided all of the requirements for entry into the U.S. national stage.

The application has an international filing date of 24 November 2004 under 35 U.S.C. 363 and will be given a date of **07 June 2007** 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

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UNITED STATES DEPARTMENT OF COMMERCE
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NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Jens Kristian Poulsen	: DECISION ON REQUEST FOR
Patent Number	: 7630504	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,505	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/23/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **450** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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RIDOUT/BHGL
BRINKS HOFER GILSON & LIONE
CAPITAL CENTER, SUITE 1100
201 NORTH ILLINOIS STREET
INDIANAPOLIS, IN 46204-4220

Mail Date: 04/21/2010

Applicant	: Amadeo Parissenti	: DECISION ON REQUEST FOR
Patent Number	: 7588903	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,507	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/23/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **448** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Stephan Lietz	: DECISION ON REQUEST FOR
Patent Number	: 7660935	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,510	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **458** 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.

22 JUN 2006

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. Box 3001
Briarcliff Manor, NY 10510

In re Application of :
WANG *et al* :
U.S. Application No.: 10/580,515 :
PCT No.: PCT/IB2003/005882 :
Int. Filing Date: 24 November 2003 : **DECISION**
Priority Date: 12 December 2002 :
Attorney's Docket No.: CN020023 :
For: OPTICAL DISC WITH A GENERIC :
LOGICAL FORMAT :

Applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR §1.137(b)" filed with the national stage papers on 24 May 2006 is hereby **GRANTED** as follows:

The basic national fee and petition fee have been paid. Applicants' statement is sufficient to meet the requirements of 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 not provided.

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(h) is required.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

26 JUN 2006

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P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

In re Application of	:	
Tourwe	:	
Application No.: 10/580,516	:	DECISION
PCT No.: PCT/IB04/51118	:	
Int. Filing Date: 05 July 2004	:	ON
Earliest Priority Date: 07 July 2003	:	
Attorney Docket No.: NL040024	:	PETITION
For: System And Method For Audio Signal Processing	:	

The petition to revive under 37 CFR 1.137(b) filed 24 May 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicants state 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." This statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that counsel has filed the required reply in the form of the basic national fee, and has paid the petition 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.

This application is being forwarded to the United States Designated/Elected Office for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an executed oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

George M. Dombroske
Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

19 JUN 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Corporate Patent Counsel
Philips Electronics North America Corporation
P.O. Bx 3001
Briarcliff Manor, NY 10510-8001

In re Application of	:	
YE	:	
U.S. Application No.: 10/580,517	:	DECISION ON PETITION
PCT No.: PCT/IB04/01144	:	
Int. Filing Date: 05 April 2004	:	UNDER 37 CFR 1.137(b)
Priority Date: 18 April 2003	:	
Attorney Docket No.: US030089	:	
For: SYSTEM AND METHOD FOR RATE-DISTORTION OPTIMIZED DATE PARTITIONING FOR VIDEO CODING USING PARAMETRIC RATE-DISTORTION MODEL	:	

The petition to revive under 37 CFR 1.137(b) filed 24 May 2006 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 a compliant, executed oath or declaration of the inventor is required.

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

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VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

MAILED

JAN 21 2010

OFFICE OF PETITIONS

In re Application of :
Michael J. UNWIN, et *al.* :
Application No. 10/580,524 : DECISION GRANTING PETITION
Filed: May 24, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **MOR3-PT022** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 20, 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 December 8, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1794 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

---

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

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NIXON & VANDERHYE PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

COPY MAILED

AUG 09 2007

OFFICE OF PETITIONS

In re Application of :
IKEDA, et al. :
Application No. 10/580,554 :
Filed: May 26, 2006 :
Attorney Docket No. **00005.001316** :

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 4, 2007.

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

A review of the file record indicates that the power of attorney to **NIXON & VANDERHYE PC** has been revoked by the assignee of the patent application on May 24, 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: **FITZPATRICK CELLA HARPER & SCINTO**
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 2/11/09

TO SPE OF : ART UNIT 1652

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/380556 Patent No.: 7470530B2

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: _____

_____

_____

_____

_____

_____ 1652
SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/12/09

Paper No.: —

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/580588 Patent No.: 7563913B2

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

FOR IFW FILES: First Item

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments: Corrections Approved

/JLA/

12/08/2009 /NC/

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PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: Scott L. Diamond	: DECISION ON REQUEST FOR
Patent Number	: 7598033	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,599	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **24** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alston & Bird LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

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FEB 29 2008

In re Application of	:	
Edwin Robin Russell	:	
Application No. 10/580,612	:	DECISION ON PETITION
Filed: May 24, 2006	:	TO WITHDRAW
Attorney Docket No. 799103-1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 28, 2007.

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

A review of the file record indicates that the power of attorney to Alston & Bird LLP has been revoked by the assignee of the patent application on February 19, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Jones, Walker, Waechter, Poitevent,**
Carrere & Denegre, L.L.P.
5th Floor, Four United Plaza
8555 United Plaza Boulevard
Baton Rouge, LA 70809

UNITED STATES 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 : June 4, 2010

Patent No. :7717383
Ser. No. :10/580612
Inventor(s) : Wujciak, Alfred J.
Issued :May 18, 2010
Title : ADJUSTABLE SUPPORT MECHANISM

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 matter, is hereby denied.

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

A. the processing fee set forth in 37 CFR 1. 17(i) (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
Electronic Filing	uspto.gov/ebc/index.html (must be registered as an e-filer to submit responses) Support 1-866-217-9197 571-272-4100

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.

For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-

Michael K. Leachman
Jones, Walker, Waecheter, Poitevent,
Carrere & Denegre, LLP.
4th Flr, Four United Plaza
8555 United Plaza Boulevard
Baton Rough, Louisiana 7089

/arg

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NOV 18 2009

OFFICE OF PETITIONS

NXP, B.V.
NXP INTELLECTUAL PROPERTY
& LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

In re Application of :
Raymond J.E. HUETING, et al :
Application No. 10/580,625 : ON PETITION
Filed: May 24, 2006 :
Attorney Docket No. GB03 0212 US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 10, 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 January 9, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination 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 April 10, 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.

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

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 statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2811 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.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

12 JUL 2006

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Alex Dolgoff
14 Tamalpais Rd.
Berkeley, CA 94708

In re Application of:	:	
DOLGOFF, Alexei, et al.	:	
Application No.: 10/580,634	:	
PCT No.: PCT/US2002/034983	:	COMMUNICATION
Int. Filing Date: 31 October 2002	:	
Priority Date: 31 October 2001	:	
Docket No.: None	:	
For: ENVIRONMENTAL CONTROLS SYSTEM AND METHOD	:	

This communication is issued in response to the "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR 1.137(a)" filed on 25 May 2006.

The petition and accompanying materials were signed only by Alexei DOLGOFF, one of two applicants of record herein (the second applicant of record, as set forth on the published international application, is Don LAREAU).

37 CFR 1.33(b) states that all papers filed in a patent application must be signed by:

> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
>
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
>
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
>
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Because the present petition is not executed by the second applicant, his properly registered agent or attorney, or an assignee that has properly established ownership of the application, the petition is considered an unsigned communication pursuant to 37 CFR 1.33(b). As such, the petition cannot be considered on its merits.

The petition has been placed in the application file, but no further action will be taken thereon.

The present application remains **ABANDONED**.

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, 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
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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Alexandria, VA 22313-1450
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23 MAY 2007

ALEXEI DOLGOFF
14 TAMALPAIS RD.
BERKELEY, CA 94708

In re Application of	:	
DOLGOFF, Alexei et al.	:	
Application No.: 10/580,634	:	
PCT No.: PCT/US02/34983	:	COMMUNICATION
Int. Filing Date: 31 October 2002	:	
Priority Date: 21 October 2001	:	
Attorney's Docket No.: Not Provided	:	
For: Environmental Controls System And Method	:	

This communication is in response to applicants' "Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 15 March 2007.

The petition was signed only by, Alexei DOLGOFF, one of two applicants of record. Specifically, the inventive entity set out in international application PCT/US02/34983 (and also priority document US provisional application 60/336,276) includes a second applicant, Don LAREAU.

37 CFR 1.33(b) states that all papers filed in a patent application must be signed by:

> (1) A patent practitioner of record appointed in compliance with § 1.32(b);
>
> (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
>
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
>
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Here, the instant petition is not executed by the second applicant (Don Lareau), his properly registered agent or attorney, or an assignee that has properly established ownership of the application in accordance with § 3.71 of this chapter. As such, the petition cannot be considered on its merits.

In order to revive the instant application, in addition to the petition filed under 37 CFR 1.137(b), applicants are also required to either satisfy the conditions of 37 CFR 1.33(b) or, file a request under 37 CFR 1.497(d) to correct inventorship by removing Mr. Don Lareau as inventor.

For informational purpose only, under 37 CFR 1.497(d), when the inventive entity set forth in the international application has changed, the applicant must submit:

> (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) 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); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

CONCLUSION

The petition has been placed in the application file, but no further action will be taken.

The instant application remains **ABANDONED**.

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

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PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3297
Facsimile: (571) 273-0459

Stefan Staicovici
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-1208

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09 AUG 2007

ALEXEI DOLGOFF
14 TAMALPAIS RD.
BERKELEY, CA 94708

In re Application of	:	DECISION ON RENEWED
DOLGOFF, Alexei et al.	:	
Application No.: 10/580,634	:	PETITION UNDER
PCT No.: PCT/US02/34983	:	
Int. Filing Date: 31 October 2002	:	37 CFR 1.137 (b) AND REQUEST
Priority Date: 21 October 2001	:	
Attorney's Docket No.: Not Provided	:	UNDER 37 CFR 1.497(d)
For: Environmental Controls System And Method	:	

This decision is in response to applicants' "Renewed Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" and "Request To Correct Inventorship Under 37 CFR 1.497(d)," filed 02 July 2007.

BACKGROUND

On 31 October 2002, applicants filed international application PCT/US02/34983, claiming a priority date of 21 October 2001. The deadline for entry into the national stage in the United States was midnight on 21 April 2004.

On 25 May 2006, applicants filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the US basic national fee and a first "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)."

On 12 July 2006, the Office mailed a first "Communication" indicating that the Petition was not considered on its merits because it was not signed by all applicants. Specifically, the petition and accompanying materials were executed only by Alexei Dolgoff and were missing the signature of the second applicant of record, Don Lareau.

On 01 March 2007, the Office mailed a "Notification of Abandonment" (Form PCT/DO/EO/909), indicating that the instant application has been abandoned.

On 15 March 2007, applicants filed a second "Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)."

On 23 May 2007, the Office mailed a second "Communication" indicating that the Petition was not considered on its merits because it was not signed by all applicants. Specifically, the petition and accompanying materials were executed only by Alexei Dolgoff and were missing the signature of the second applicant of record, Don Lareau. The Communication also suggested that applicants file a request under 37 CFR 1.497(d) to modify the inventive entity of the instant application.

On 02 July 2007, the applicants filed the instant, "Request To Correct Inventorship Under 37 CFR 1.497(d)" to delete Don Lareau as an inventor in the instant application and, a "Renewed Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)."

DISCUSSION

I. Request To Correct Inventorship Under 37 CFR 1.497(d)

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) 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), applicant has provided a statement from Don Lareau, the inventor being deleted, that any error in inventorship in the international application occurred without deceptive intent on his part. Hence, item (1) has been satisfied.

With regard to item (2), applicant has provided the requisite fee of $130 under 37 C.F.R. 1.17(i). Hence, item (2) has been satisfied.

With regard to item (3), although Applicant has also provided the consent of the assignee, applicant has not provided a statement according to 37 CFR 3.73(b). Hence, item (3) has not been satisfied.

Based on the totality of the evidence currently of record, it would not be appropriate to consider the requirements of 37 CFR 1.497(d) to have been satisfied.

II. Renewed Petition Under 1.137(b)

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional delay must be accompanied by; (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With respect to item (1), the "required reply" in the instant application is a proper response to the Communication mailed 23 May 2007, that is, an acceptable declaration under 37 CFR 1.497(a)-(b). The instant petition includes a declaration that is executed by a different inventive entity that that of the international application. Under such circumstances a grantable request under 37 CFR 1.497(d) is required before the declaration can be accepted. Hence, because the instant request, under 37 CFR 1.497(d), is not grantable on the present record, it is submitted that the "required reply" element of a grantable petition has not been satisfied. Accordingly, the renewed petition for revival cannot be granted on the present record.

With the filing of applicants' renewed petition, applicants have satisfied items (2) through (3) above. Item (4) does not apply to the present application.

It is noted that applicants have not submitted the surcharge for filing an oath or declaration later then 30 months from the priority date (see 37 CFR 1.492(h)).

A decision on the petition under 37 CFR 1.137(b) will be held in abeyance until a proper grantable request under 37 CFR 1.497(d) has been filed.

CONCLUSION

Applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicants' renewed petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

The instant 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 renewed petition under 37 CFR 1.137(b) and a renewed petition under 37 CFR 1.47(a).

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

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Office of PCT Legal Administration
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Facsimile: (571) 273-0459

Stefan Staicovici
PCT Legal Examiner
Office of PCT Legal Administration
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29 NOV 2007

ALEXEI DOLGOFF
14 TAMLPAIS ROAD
BERKELEY, CA 94708

In re Application of:	
DOLGOFF, Alexei	DECISION ON RENEWED
U.S. Application No.: 10/580,634	REQUEST UNDER
PCT No.: PCT/US02/34983	37 CFR 1.497(d) AND RENEWED
International Filing Date: 31 October 2002	PETITION FOR REVIVAL
Priority Date: 21 October 2001	UNDER 37 CFR 1.137(b)
Attorney's Docket No.: Not Provided	
For: ENVIRONMENTAL CONTROLS SYSTEM AND METHOD	

This decision is issued in response to the "Request For Reconsideration, Renewed Petition Under 37 CFR 1.137(b), and Renewed Petition Under 37 CFR 1.47(a)" filed 09 October 2007. No additional petition fees are required.

BACKGROUND

The procedural background of this application was set forth in detail in the previous decision mailed herein on 09 August 2007. That decision dismissed applicant's request to correct inventorship under 37 CFR 1.497(d) and the petition for revival under 37 CFR 1.137(b) based on applicant's failure to satisfy all the requirements of a grantable petition.

On 09 October 2007, applicant filed the "Request For Reconsideration, Renewed Petition Under 37 CFR 1.137(b), and Renewed Petition Under 37 CFR 1.47(a)" considered herein.[1]

DISCUSSION

1. Renewed Request Under 37 CFR 1.497(d)

The previous decision dismissed applicant's request to correct inventorship under 37 CFR 1.497(d) based on applicant's failure to provide the consent of the assignee in an acceptable form, as required by 37 CFR 1.497(d)(3). In the present submission, applicant explains that the present application has never been assigned, that there is therefore no assignee, and that the previous filing of the defective consent of assignee was made in error.

Because there is no assignee of the present application, the requirement of 37 CFR 1.497(d)(3) is inapplicable in the present application. As noted in the previous decision,

[1] It is noted that the petition refers to a renewed petition under 37 CFR 1.47(b). However, no such petition has been filed herein, nor is such a petition required.

applicant has satisfied the remaining requirements for a grantable request under 37 CFR 1.497(d). Accordingly, applicant's renewed request under 37 CFR 1.497(d) to correct the inventorship herein so as to remove inventor Don LAREAU is appropriately granted.

2. **Renewed Petition For Revival Under 37 CFR 1.137(b)**

The previous decision dismissed applicant's petition under 37 CFR 1.137(b) for failure to include the "required reply," that is, an acceptable declaration under 37 CFR 1.497. The previously filed declaration was found to be deficient for failure to properly identify the inventive entity of record herein (the declaration failed to list the second inventor, Don LAREAU).

In light of the present submission of a grantable request under 37 CFR 1.497(d) to remove Don LABEAU as an inventor of record herein, the previously filed declaration is no longer defective. Applicant has therefore now submitted the "required reply" of an acceptable declaration under 37 CFR 1.497. As noted in the previous decision, applicant has satisfied the remaining requirements for a grantable petition for revival under 37 CFR 1.137(b). Accordingly, applicant's renewed petition for revival under 37 CFR 1.137(b) is appropriately granted.

It is noted that applicant's present submission included payment of the small entity surcharge for filing the declaration later than thirty months after the priority date.

CONCLUSION

The request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship herein is corrected to delete Don LABEAU. The sole inventor of record herein is Alexei DOLGOFF.

Based on this correction, the declaration filed 02 July 2007 is now acceptable under 37 CFR 1.497.

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

This application is being referred 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 02 July 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE
14TH FLOOR
NEW YORK, N.Y. 10018

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JUL 14 2008

OFFICE OF PETITIONS

Applicant: Reichle
Appl. No.: 10/580,666
Filing Date: May 26, 2006
Title: METHOD AND DEVICE FOR CARRYING OUT A BREAKING PROCESS
Attorney Docket No.: 710.1049
Pub. No.: 2007/0096549 A1
Pub. Date: May 3, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 22, 2007, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains a material error wherein Figure 2 has been omitted.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

OCT 0 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Damian Fiolka, et al.	:	
Application No. 10/580,698	:	DECISION GRANTING PETITION
Filed: November 29, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 20228-013US1 HF 06 179	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 1, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 27, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

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.

Terri Johnson
Petitions Examiner
Office of Petitions

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

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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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MAR 16 2010

In re Application of	:	
Damian Fiolka et al	:	
Application No. 10/580,698	:	DECISION GRANTING PETITION
Filed: May 25, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 20228-013US1 HF 06 179	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 15, 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 February 11, 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 2872 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.*

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OFFICE OF PETITIONS

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

In re Application of :
Damian FIOLKA, et *al.* :
Application No. 10/580,698 : DECISION GRANTING PETITION
Filed: November 29, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **20228-013US1 HF 06 179** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 18, 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 May 18, 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) 272-7253.

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.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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

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THE WEBB FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

MAILED

MAY 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Shin Masaoka et al	:	
Application No. 10/580,699	:	DECISION GRANTING PETITION
Filed: May 25, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1217-061625	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 14, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 26, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1621 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.*

Office of Petitions

2 2 AUG 2008

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Alexandria, VA 22313-1450
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BRINKS, HOFER, GILSON & LIONE
2801 SLATER ROAD, SUITE 120
MORRISVILLE NC 27560

In re Application of
VONDEYN, Wolfgang et al.
Application No.: 10/580,700
PCT No.: PCT/EP2004/013685
Int. Filing Date: 02 December 2004
Priority Date: 04 December 2003
Docket No.: 13779-65
For: USE OF N-ARYLHYDRAZINE DERIVATIVES FOR COMBATING PESTS IN AND ON ANIMALS

DECISION

ON PETITION UNDER

37 CFR 1.181

This decision is in response to applicants' Request for Corrected Filing Receipt, filed in the United States Patent and Trademark Office on 17 October 2007.

BACKGROUND

On 25 May 2006, applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee.

On 17 January 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 15 March 2007, applicants responded to the Notification with a declaration of the inventors and a copy of a postcard receipt listing a declaration and date-stamped 25 May 2006.

On 31 July 2007, 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 15 March 2007 and that all of the 35 U.S.C. 371 requirements were satisfied on 15 March 2007.

On 17 October 2007, applicant filed the instant petition under 37 CFR 1.181 to correct the Notification of Acceptance and filing receipt.

DISCUSSION

Applicants have provided a copy of the declaration that applicants claim was submitted on 25 May 2006 and have provided a postcard receipt listing the declaration and identifying the above application. This is adequate evidence that the declaration was originally received on 25 May 2006.

However, a review of the declaration reveals it is not in compliance with 37 CFR 1.497(a)-(b). First, while it is acceptable for inventors to execute separate copies of the oath or declaration, each complete copy must be submitted to the Office. Separate copies may not be pieced together to create a single composite declaration. Second, the declaration bears non-dated, non-initialed alterations made in ink to the page numbers of the declaration. New oaths or declarations are required. MPEP 605.04(a).

CONCLUSION

For the reasons listed above, applicant's petition for a corrected Notice of Acceptance is **DISMISSED** without prejudice.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 31 July 2007 is **VACATED**.

A proper response in the form of an oath or declaration in compliance with 37 CFR 1.497(a)-(b) 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 further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, 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

3 AUG 2009

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BRINKS, HOFER, GILSON & LIONE
2801 SLATER ROAD, SUITE 120
MORRISVILLE NC 27560

In re Application of
VONDEYN, Wolfgang et al.
Application No.: 10/580,700
PCT No.: PCT/EP2004/013685
Int. Filing Date: 02 December 2004
Priority Date: 04 December 2003
Docket No.: 13779-65
For: USE OF N-ARYLHYDRAZINE DERIVATIVES FOR COMBATING PESTS IN AND ON ANIMALS

DECISION

This decision is in response to applicants' submission of a declaration, filed in the United States Patent and Trademark Office on 21 October 2008.

BACKGROUND

On 22 August 2008, the Office mailed Decision On Petition, refusing applicant's request for a corrected filing receipt and requiring a new oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).

On 21 October 2008, applicant filed a new declaration of the inventors.

DISCUSSION

The 21 October 2008 declaration of the inventors complies with 37 CFR 1.497(a)-(b).

This application is being referred to the National Phase Processing Branch of the Office Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 21 October 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON TX 77010

COPY MAILED

OCT 12 2007

OFFICE OF PETITIONS

Applicant: Linnemann et al.
Appl. No.: 10/580,702
International Filing Date: November 26, 2004
Title: DECORATIVE LAMINATE AND CORRESPONDING PRODUCTION METHOD
Attorney Docket No.: 03850/029001
Pub. No.: US 2007/0160816 A1
Pub. Date: July 12, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 11, 2007, 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 the second inventor's name (Gerald Hoeglinger) was omitted from the publication and the inventor's residence "Salzburg" was misprinted as "Sa;zburg".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error on the front page of the publication wherein the second inventor's name (Gerald Hoeglinger) was omitted from the publication and the inventor's residence "Salzburg" was misprinted as "Sa;zburg" were omitted from the publication may be Office errors, but they are not material Office errors under 37 CFR 1.221. The omission of an inventor's name and a typographical error in an inventor's residence do not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

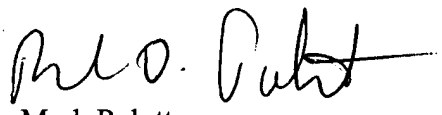
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(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, 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

By facsimile: 571-273-8300

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

2 6 MAR 2008

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STINSON MORRISON HECKER LLP
ATTN: PATENT GROUP
1201 WALNUT STREET, SUITE 2800
KANSAS CITY MO 64106-2150

In re Application of	:	
Kaladelfos	:	
Application No.: 10/580,756	:	
PCT No.: PCT/AU04/01674	:	
Int. Filing Date: 26 November 2004	:	DECISION
Priority Date: 27 November 2003	:	
Attorney Docket No.: 801948-0008	:	
For: Ligature Carrier	:	

This is in response to the petition under 37 CFR 1.181 filed on 25 January 2008.

BACKGROUND

This international application was filed on 26 November 2004, claimed an earliest priority date of 27 November 2003, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 09 June 2005. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 27 May 2006. On 26 May 2006, applicant filed *inter alia* the basic national fee.

On 13 February 2007, 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 in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Petitioner states in part that "A Response to the Notification of Missing Requirements Under 35 U.S.C. § 371 was filed with the U.S. Patent and Trademark Office on April 5, 2007 in connection with the above-identified application." Petitioner provides a "copy of the Response, Declaration and the return postcard..." Inspection of the copy of a return postcard receipt which accompanies the petition reveals that it references the instant application number, itemizes a check in the amount of $65.00, a Response and a 2-page Declaration, and is stamped as received by "OIPE" on "APR 10 2007." MPEP 503 states in part that

> 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.

Following the policy described at MPEP 503, the copy of the declaration document received on 25 January 2008 is being regarded as a copy of the declaration originally filed on 10 April 2007, and itemized on the postcard receipt. Review of the declaration reveals that it is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). It is noted that the records of the USPTO show that the surcharge was paid on 10 April 2007. Therefore, applicant is

regarded as having timely complied with the requirements of the Notification of Missing Requirements mailed on 13 February 2007.

CONCLUSION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **10 April 2007.**

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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FASSE PATENT ATTORNEYS, P.A.
P.O. BOX 726
HAMPDEN, ME 04444-0726

Mail Date: 04/21/2010

Applicant	: Horst Wild	: DECISION ON REQUEST FOR
Patent Number	: 7641586	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,757	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **356** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Zoe Paula Lock	: DECISION ON REQUEST FOR
Patent Number	: 7627543	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,767	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **167** 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 JUN 2006

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BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610

In re Application of :
DAVIDSON :
U.S. Application No.: 10/580,775 :
PCT No.: PCT/US2004/004616 :
Int. Filing Date: 17 February 2004 : **DECISION**
Priority Date: 18 November 2003 :
Attorney's Docket No.: 742/295 :
For: RATCHET WRENCH :

Applicant's "Petition for Revival of an International Application for Patent Designating the United States Abandoned Unintentionally Under 37 CFR §1.137(b)" filed with the national stage papers on 26 May 2006 is hereby **GRANTED** as follows:

The basic national fee and petition fee have been paid. Applicant's statement is sufficient to meet the requirements of 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. The surcharge fee of $65.00 has been paid.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 17 February 2004 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 26 May 2006.

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

29 MAY 2007

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DICKSTEIN SHAPIRO LLP
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
NEW YORK, NY 10036-2714

In re Application of	:	
Nilsson et al	:	DECISION ON
PCT No.: PCT/SE2004/001727	:	
Application No.: 10/580,786	:	
Int. Filing Date: 24 November 2004	:	PAPERS FILED
Priority Date: 25 November 2003	:	
Attorney's Docket No.: C2432.0067	:	
For: CONTROLLED FOOD EFECT COMPOSITION	:	UNDER 37 CFR 1.42

This is a decision on the declaration filed 13 February 2007, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 25 May 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied, *inter alia*, by the required basic national fee per 35 U.S.C. 371(c)(1). However, that submission did not satisfy the requirements set forth in 35 U.S.C. 371(c)(4) in that an executed oath or declaration was not provided.

On 05 February 2007, 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 required applicants, *inter alia*, to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) identifying the application by international application number and international filing date within two months from the date of that notification or within 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

In response to the notification of 05 February 2007, applicants filed a declaration on 13 February 2007 signed by Lena LINDMAN as "heir of the deceased inventor," Goran NILSSON.

DISCUSSION

The declaration of 13 February 2007 is not acceptable in that it neither identifies the signor, Lena LINDMAN, either the sole heir or as the "legal representative of the deceased inventor," Goran NILSSON. Please see MPEP 409.01(a).

Since there is nothing on the record that identifies Lena LINDMAN as the "legal representative of the deceased inventor," it must be made clear on the record that Lena LINDMAN is the sole heir of Goran NILSSON for Lena LINDMAN to be legally capable of signing the declaration alone under 37 CFR 1.42.

Further, it is not clear if the indications of residence, citizenship, and post office address adjacent the names of Lena LINDMAN and Goran NILSSON on the declaration pertain to the deceased inventor or to the heir, Lena LINDMAN. Applicants must have two separate sections to indicate separately the residence, citizenship, and post office address of the deceased inventor and his heir. Please see 37 CFR 1.497(b)(2).

In addition, please be advised that a submission of a declaration executed by all of the heirs of the deceased inventor would be construed to indicate that no legal representative of the estate of the deceased inventor has been appointed or is required to be appointed. If such a legal representative of the deceased's estate has been appointed or is required by law to be appointed, then the declaration must be resubmitted properly executed by the legal representative or legal representatives. In the alternative, if there is no such legal representative of the deceased's estate nor a requirement for such a legal representative of the deceased's estate, then the declaration must be resubmitted properly executed by all of the heirs of the deceased's estate.

Finally, the handwritten changes to the "COUNTRY OF CITIZENSHIP" section for Mr. Peter KAUFMANN on the declaration of 13 February 2007 make that declaration defective under 37 CFR 1.52(c).

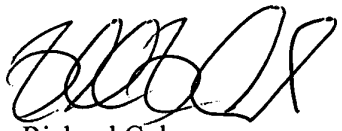
CONCLUSION

For the reasons set forth above, the request for status under 37 CFR 1.42 is hereby **not accepted**.

If reconsideration on the merits of this request is desired, a proper reply 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. Any reconsideration request should include a cover letter entitled, "Renewed Request 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 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
Legal Examiner
PCT Legal Administration

Bernarr Gregory
PCT Legal Administration
Tel.: (571) 272-6094
FAX: (571) 273-0459

United States Patent and Trademark Office

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17 SEP 2007

DICKSTEIN SHAPIRO LLP
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
NEW YORK NY 10036-2714

In re Application of	:	
Nilsson et al.	:	
Application No. 10/580,786	:	
PCT No.: PCT/SE04/01727	:	
Int. Filing Date: 24 November 2004	:	DECISION
Priority Date: 25 November 2003	:	
Att. Docket No.: C2432.0067	:	
For: Controlled Food Effect Composition	:	

This is in response to the "Renewed Request Under 37 CFR 1.42" filed on 22 August 2007.

DISCUSSION

In a Decision mailed on 29 May 2007, the declaration filed on 13 February 2007 was not accepted under 37 CFR 1.42, without prejudice.

Inspection of the declaration document filed on 22 August 2007 reveals that it has been signed on behalf of deceased joint inventor Goran Nilsson by Lena Lindman in the capacity of "sole heir." This 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 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. This declaration satisfies the requirements of 37 CFR 1.42 and 37 CFR 1.497(b)(2).

CONCLUSION

The declaration filed on 22 August 2007 is **ACCEPTED** under 37 CFR 1.42.

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 **22 August 2007**.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 04/20/2010

Applicant	: Kazufumi Mizusawa	: DECISION ON REQUEST FOR
Patent Number	: 7599771	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,791	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **708** 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/07/09

TO SPE OF : ART UNIT 1623

SUBJECT : Request for Certificate of Correction for Appl. No.: 10580805 Patent No.: 7618946

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

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

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

_____

_____

_____

_____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/S. A. Jiang/ 1623

1/11/2010

SPE Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/07/09

TO SPE OF : ART UNIT 1623

SUBJECT : Request for Certificate of Correction for Appl. No.: 10580805 Patent No.: 7618946

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:

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Randolph Square 9D40-D
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You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

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: _____

_____

_____

_____

_____

_____ 1623

17 DEC 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Thomas M. Wozny
Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202

In re Application of :
MINNICH, et al. :
Serial No.: 10/580,812 : DECISION ON PETITION
PCT No.: PCT/US04/39515 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 24 November 2004 :
Priority Date: 26 November 2003 :
Atty Docket No.: 4553-00025 :
For: METHOD FOR PRODUCTION OF HIGH PRESSURE STEAM FROM PRODUCED WATER

This decision is issued in response to applicant's "Petition under Rule 37 CFR 1.47(a) to Accept Filing When Inventor Refuses to Sign" filed 01 August 2007 to accept the application without the signature of joint inventors, Keith R. Minnich; Mark C. Nicholson; and Ramkumar Karlupudi.

BACKGROUND

On 24 November 2004, applicant filed international application PCT/US04/39515 which claimed priority to a previous application filed 26 November 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 May 2006.

On 25 May 2006, 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 the international application; and a preliminary amendment.

On 01 February 2007, 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.

On 01 August 2007, applicant filed the present petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventors: Keith R. Minnich; Mark C. Nicholson; and Ramkumar Karlupudi.

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 investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items (1), (3) and (4).

Regarding item (1), applicant has only provided payment of $130.00 for the petition fee. Applicant is advised that pursuant to 37 CFR 1.17(g) the petition fee is $200.00. As authorized, the additional $70.00 due will be deducted from deposit account no.: 01-2000.

Regarding item (2), the petition asserts that the nonsigning inventors (Ramkumar Karlupudi; Mark C. Nicholson; and Keith R. Minnich) have 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 the nonsigning inventors' refusal to execute the application papers is contained in the declaration (of facts under 37 CFR 1.47(a)) included in the petition, 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, with documentary evidence supporting the statement.

Regarding item (3) above, a clear statement of the last known address of the non-signing inventors (Ramkumar Karlupudi; Mark C. Nicholson; and Keith R. Minnich) have been provided.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("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 available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicant has filed a declaration executed by one of the four inventors and including an unsigned signature box identifying the nonsigning inventors (Ramkumar Karlupudi; Mark C. Nicholson; and Keith R. Minnich). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(c), 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(c) 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
Tel: (571) 272-3298
Fax: (571) 273-0459

17 DEC 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

Keith R. Minnich
W2919 N3821 Round Hill Circle
Pewaukee, Wisconsin 53072

In re Application of
MINNICH, et al.
Serial No.: 10/580,812
PCT No.: PCT/US04/39515
Int. Filing Date: 24 November 2004
Priority Date: 26 November 2003
Atty Docket No.: 4553-00025
For: METHOD FOR PRODUCTION OF HIGH PRESSURE STEAM FROM PRODUCED WATER

Dear Keith Minnich:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

Counsel of Record:
Thomas M. Wozny
Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202

17 DEC 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mark C. Nicholson
W269 N2740 Lelah Avenue
Pewaukee, Wisconsin 53072

In re Application of
MINNICH, et al.
Serial No.: 10/580,812
PCT No.: PCT/US04/39515
Int. Filing Date: 24 November 2004
Priority Date: 26 November 2003
Atty Docket No.: 4553-00025
For: METHOD FOR PRODUCTION OF HIGH PRESSURE STEAM FROM PRODUCED WATER

Dear Mark C. Nicholson:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

Counsel of Record:
Thomas M. Wozny
Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202

17 DEC 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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RamKumar Karlapudi
1981 Fox Croft Lane
Waukesha, Wisconsin 53189

In re Application of
MINNICH, et al.
Serial No.: 10/580,812
PCT No.: PCT/US04/39515
Int. Filing Date: 24 November 2004
Priority Date: 26 November 2003
Atty Docket No.: 4553-00025
For: METHOD FOR PRODUCTION OF HIGH PRESSURE STEAM FROM PRODUCED WATER

Dear RamKumar Karlapudi:

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
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Counsel of Record:
Thomas M. Wozny
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100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202

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MAILED

APR 07 2010

OFFICE OF PETITIONS

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

In re Application of :
Barrie Charles Finnin et al :
Application No. 10/580,845 : ON PETITION
Filed: April 9, 2008 :
Attorney Docket No. 025217-0146 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 25, 2010, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 7, 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 above-identified application became abandoned on January 8, 2009.

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

This matter is being referred to Technology Center AU 3763 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

10 SEP 2008

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

KALOW & SPRINGUT LLP
488 MADISON AVENUE
19TH FLOOR
NEW YORK NY 10022

In re Application of:
LAURITZEN, Nels, J., et al.
U.S. Application No.: 10/580,904
PCT No.: PCT/US2004/040034
International Filing Date: 29 November 2004
Priority Date: 28 November 2003
Attorney's Docket No.: 13627PCTUS
For: COMPOSITIONS AND METHODS COMPRISING COLLAGEN

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Response To Notification Of Defective Response" filed 04 September 2008, treated herein as a request to correct inventorship under 37 CFR 1.497(d). Pursuant to the authorization to charge required fees included in the Form PTO-1390 Transmittal Letter filed 26 May 2006, Deposit Account No. 11-0171 will be charged the required $130 processing fee.

BACKGROUND

On 29 November 2004, applicants filed international application PCT/US2004/040034. The application claimed a priority date of 28 November 2003, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 28 May 2006. The published international application identified two applicant/inventors for the U.S.: Nels J. LAURITZEN and Joseph NICHOLS.

On 26 May 2006, 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 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed 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 $65 small entity surcharge for filing the oath or declaration later than thirty months after the priority date.

On 29 July 2008, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and a declaration that names and is executed by only one of the two inventors of record, Nels J. LAURITZEN.

On 04 August 2008, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/RO/EO/916) indicating that the declaration filed 29 July 2008 was not acceptable based on the failure to include inventor of record Joseph NICHOLS.

On 04 September 2008, applicants filed the "Response To Notification Of Defective Response" considered herein as a request to correct inventorship under 37 CFR 1.497(d). The submission indicates that Joseph NICHOLS was incorrectly identified as an inventor on this application and requests that this inventor be deleted as an inventor of record.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) 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; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, applicants have filed a declaration that names an inventive entity different than that set forth in the international application (specifically, Joseph NICHOLS has been deleted). Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statement of non-deceptive intent from the person to be deleted as an inventor (Joseph NICHOLS), and applicants have previously authorized a charge to Deposit Account No. 11-0171 for required fees, pursuant to which the required processing fee will be charged. Thus, requirements (A) and (B) are satisfied. However, applicants have not submitted the written consent of the assignee to the requested change in inventorship, or a statement confirming that no such assignee exists. Requirement (C) is therefore not satisfied.[1]

Based on the above, applicants have failed to submit all the requirements of a grantable request under 37 CFR 1.497(d). Accordingly, the request to delete Joseph NICHOLS as an inventor of record herein is appropriately dismissed on the present record.

---

[1] It is noted that such assignee consent must be submitted in compliance with 37 CFR 3.73(b).

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

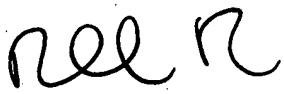
The inventorship of record herein remains that set forth in the international application, that is, Nels J. LAURITZEN and Joseph NICHOLS.

The declaration filed 29 July 2008, which does not include Joseph NICHOLS, remains defective on the present record for failure to be executed by, and properly identify, all the inventors of record herein.

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 Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy item (C) of a grantable petition, as discussed above and in the MPEP, that is, the written consent of the assignee to the proposed change of inventorship in the form required by 37 CFR 3.73(b) (or, if there is no assignee, an express statement confirming that no assignee exists).

Failure to file a proper and timely response will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, 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
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

12 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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KALOW & SPRINGUT LLP
488 MADISON AVENUE
19TH FLOOR
NEW YORK NY 10022

In re Application of:	:	
LAURITZEN, Nels, J.	:	DECISION ON RENEWED
U.S. Application No.: 10/580,904	:	REQUEST UNDER
PCT No.: PCT/US2004/040034	:	37 CFR 1.497(d)
International Filing Date: 29 November 2004	:	
Priority Date: 28 November 2003	:	
Attorney's Docket No.: 13627PCTUS	:	
For: COMPOSITIONS AND METHODS COMPRISING COLLAGEN	:	

This decision is issued in response to the "Renewed Request Under 37 CFR 1.497(d)" filed 10 November 2008. No additional processing fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed herein on 10 September 2008. The decision dismissed applicant's request to correct inventorship under 37 CFR 1.497(d) for failure to satisfy all the requirements of a grantable request. Specifically, applicants had failed to provide the consent of the assignee to the requested change, or a statement confirming that no such assignee exists.

On 10 November 2008, applicant filed the "Renewed Request Under 37 CFR 1.497(d)" considered herein.

DISCUSSION

The renewed petition includes a statement from inventor Nels J. LAURITZEN indicating that there is no assignee with respect to the present application. This statement satisfies the final element of a grantable request to correct inventor ship under 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to delete Joseph NICHOLS as an inventor of record herein.

Based on the above correction of inventorship, the declaration filed on 29 July 2008 (which names Nels J. LAURITZEN as the sole inventor herein) is no longer defective for failure to properly identify the inventors of record.

This application is being referred 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 29 July 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 07/20/2010

Applicant	: Armando Vilas Boas	: DECISION ON REQUEST FOR
Patent Number	: 7649348	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/580,913	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **873** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,947	08/07/2006	Untaek Lee	25742-0008US1	8890

26191 7590 03/22/2010

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
CUTLIFF, YATE KAI RENE	
ART UNIT	**PAPER NUMBER**
1621	

NOTIFICATION DATE	DELIVERY MODE
03/22/2010	ELECTRONIC

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

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

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

PATDOCTC@fr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAR 19 2010

In re Application of:
Lee et al.
Serial No.: 10/580,947
Filed: August 7, 2006
Attorney Docket No.: **25742-0008US1**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed February 22, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Revocation and New Power of Attorney filed on February 4, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

Therefore, petitioner's petition is GRANTED.

It is noted that a revised Revocation and New Power of Attorney will be submitted after this petition is granted.

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

Marianne C. Seidel
Quality Assurance Specialist
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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,947	08/07/2006	Untaek Lee	25742-0008US1	8890

26191 7590 03/22/2010

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
CUTLIFF, YATE KAI RENE	
ART UNIT	**PAPER NUMBER**
1621	

NOTIFICATION DATE	DELIVERY MODE
03/22/2010	ELECTRONIC

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

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

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

PATDOCTC@fr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAR 19 2010

In re Application of: :
Lee et al. :
Serial No.: 10/580,947 : PETITION DECISION
Filed: August 7, 2006 :
Attorney Docket No.: **25742-0008US1**

This is in response to the petition under 37 CFR § 1.59(b), filed February 22, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests expungement of the assignment record for U.S. Patent Application No. 10/580,947, recorded on February 4, 2010, under Reel/Frame 023897/0553. Applicant submits the documentation was submitted with erroneous and confidential information. Specifically, the erroneous information enumerated that the submitted documentation provided evidence of chain of title to KIP Biotech LLC. However, the submitted documentation does not provide a record of completed chain of title for the above-referenced patent application. Furthermore, the submitted documentation contains confidential material that was unintentionally submitted and has not been otherwise made public.

Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

Therefore, petitioner's petition is GRANTED.

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

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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

Mail Date: 04/20/2010

Applicant	: Michel Monnerat	: DECISION ON REQUEST FOR
Patent Number	: 7573423	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,965	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/31/2006	: 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.

23 JUN 2006

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FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND OH 44114

In re Application of
RADKOV et al.
Serial No.: 10/580,973
PCT App. No.: PCT/US04/20086
Int'l Filing Date: 23 June 2004
Priority Date: 24 June 2003
Attorney Docket No.: GLOZ 2 00167
For: FULL SPECTRUM PHOSPHOR BLENDS FOR WHITE LIGHT GENERATION WITH LED CHIPS

DECISION ON

PETITION UNDER

37 CFR 1.137(b)

This is a decision on applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)", filed on 31 May 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 23 June 2004, applicant filed international application PCT/US04/20086 in the United States Receiving Office (RO/US), which claimed priority of an earlier U.S. application filed 24 June 2003. The deadline for entry into national stage expired thirty months after the priority date or by midnight on 27 December 2005 (24 December was a Saturday, 25 December a Sunday and 26 December a federal holiday). Thereafter, the application was abandoned for failure to enter national stage in the U.S. before the expiration of the thirty month period.

On 31 May 2006, applicants filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390) along with, *inter alia*, the basic national fee and the instant petition to revive.

DISCUSSION

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), and (3) a statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional".

With respect to Items (2) and (3), 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). The required petition fee of $1500 has also been paid.

With regard to Item (1), a review of the finance records reveal that the proper reply has been provided with the payment of the basic national fee.

It is noted that the declaration submitted on 31 May 2006 identifies each inventor and states the citizenship, residency and mailing address of each of the inventors. However, the declaration contained two identical sheets of page 3 signed by different inventors. The declaration is not properly executed. It appears that either the attorney pieced together two separate complete declarations or the inventors were presented with an incomplete declaration. Thus, the requirements of 37 CFR 1.497 have not been met. What is required is one declaration where all inventors have signed or two separate complete declarations executed in compliance with 37 CFR §1.497(a) &(b).

CONCLUSION

For the reasons stated above, the petition to revive under 37 CFR 1.137(b) filed 31 May 2006 in the above-captioned application is **GRANTED**.

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

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

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

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QUINE INTELLECTUAL PROPERTY
LAW GROUP, P.C.
P O BOX 458
ALAMEDA CA 94501

COPY MAILED

SEP 3 0 2009

OFFICE OF PETITIONS

In re Application of

Tranter, et al.

Application No. 10/580,985

Filed: October 5, 2006

Attorney Docket No. 42-000600US

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed September 14, 2009.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on January 25, 2009, after it was believed that no response was received to the restriction/election requirement mailed December 24, 2008. The notice allowed a shortened period for reply of one (1) month from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on September 2, 2009, indicating that a reply to the Office action was not received.

Petitioner states that a response to the Office action was filed on January 21, 2009. An Office date-stamped postcard whereby the USPTO acknowledged receiving the response on January 21, 2009, accompanied the petition. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded to Technology Center GAU 3637 for further processing including review of the election first filed January 21, 2009, a copy of which is filed with the instant petition.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Guenter Wolff	: DECISION ON REQUEST FOR
Patent Number	: 7581529	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/580,994	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **363** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Martin Scheffel	: DECISION ON REQUEST FOR
Patent Number	: 7581530	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/581,002	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **74** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

Mail Date: 04/21/2010

Applicant	: Tao Chen	: DECISION ON REQUEST FOR
Patent Number	: 7630435	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/581,019	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **746** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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2040 MAIN STREET
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IRVINE, CA 92614

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DEC 17 2008

Applicant: Kim et al.
Appl. No.: 10/581,021
International Filing Date: November 26, 2004
Title: PORTABLE ELECTRIC TESTING EQUIPMENT
Attorney Docket: HANYA3.001APC
Pub. No.: US 2007/0290673 A1
Pub. Date: December 20, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 2, 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 in the priority date information on the front page of the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant error is not an error under 37 CFR 1.221(b) as the priority date provided in the IA report was printed. Applicant may file a petition under 37 CFR 1.182 to remedy the priority date. The certified copy of the priority document provided states that the filing date is September 16, 2004. Applicant may file a petition under 37 CFR 1.55 to remedy the priority date with respect to the foreign priority information. Applicant may also consider filing a petition to revive the international application.

[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).

Additionally, the application was abandoned on August 6, 2008 and abandoned applications are not republished.

If the application is revived then the applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, 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

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

Mail Date: 05/03/2010

Applicant	: Katsumasa Hijikata	: DECISION ON REQUEST FOR
Patent Number	: 7613440	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/581,038	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **605** 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.

30 MAR 2007

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

In re Application of :
SATO et al. :
Application No.: 10/581,046 :
PCT No.: PCT/JP04/18266 :
Int. Filing: 08 December 2004 : DECISION ON PETITION
Priority Date: 09 December 2003 : UNDER 37 CFR 1.47(a)
Attorney Docket No.: 11197/15 :
For: THERMOPLASTIC RESIN COMPOSITION FOR MASTERBATCH, PROCESS FOR PRODUCING MOLDING MATERIAL COMPRISING THE SAME, THERMOPLASTIC RESIN COMPOSITION OBTAINED WITH THE SAME, AND PROCESS FOR PRODUCING THE COMPOSITION :

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 16 March 2007 to accept the application without the signature of joint inventor, Shigeru Yasuda. The $200 petition fee has been submitted.

BACKGROUND

On 08 March 2004, applicants filed international application PCT/JP04/18266 which claimed a priority date 09 December 2003. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 09 June 2006.

On 30 May 2006, 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 translation of the international application; and a preliminary amendment.

On 18 January 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 March 2007, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

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

Petitioner has satisfied items (1), (2) and (3).

As to item (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 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 the inventor and country of citizenship of the inventor. In this case, the declaration does not include the citizenship of the third inventor (Machiko Tanaka). 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).

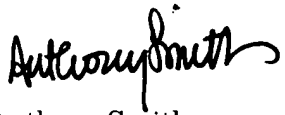
For the above reasons, it would not be appropriate to accept this application without the signature of Shigeru Yasuda at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTH from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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 PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

11 MAY 2007

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

In re Application of :
SATO et al. :
Application No.: 10/581,046 :
PCT No.: PCT/JP04/18266 :
Int. Filing: 08 December 2004 : DECISION ON PETITION
Priority Date: 09 December 2003 : UNDER 37 CFR 1.47(a)
Attorney Docket No.: 11197/15 :
For: THERMOPLASTIC RESIN :
COMPOSITION FOR MASTERBATCH,
PROCESS FOR PRODUCING MOLDING
MATERIAL COMPRISING THE SAME,
THERMOPLASTIC . . . .COMPOSITION

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 25 April 2007 to accept the application without the signature of joint inventor, Shigeru Yasuda. The $200 petition fee has been submitted.

BACKGROUND

On 08 December 2004, applicants filed international application PCT/JP04/18266 which claimed a priority date 09 December 2003. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 09 June 2006.

On 30 May 2006, 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 translation of the international application; and a preliminary amendment.

On 18 January 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 March 2007, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 30 March 2007, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 25 April 2007, applicants filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. As previously stated, petitioner has satisfied items (1), (2) and (3).

Regarding item (4), 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 declarations executed by five of the six 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 (4) is therefore satisfied.

Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied.

CONCLUSION

For the reasons above, applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 08 December 2004 under 35 U.S.C. 363, and will be given a date of 25 April 2007 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), 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 PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

11 MAY 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

Shigeru Yasuda
LUNEPARADIO 321
4-1-24 Hamakoshien
Nishinomiya-shi 663-8154
JAPAN

In re Application of
SATO et al.
Application No.: 10/581,046
PCT No.: PCT/JP04/18266
Int. Filing: 08 December 2004
Priority Date: 09 December 2003
Attorney Docket No.: 11197/15
For: THERMOPLASTIC RESIN COMPOSITION FOR MASTERBATCH, PROCESS FOR PRODUCING MOLDING MATERIAL COMPRISING THE SAME, THERMOPLASTIC RESIN COMPOSITION OBTAINED WITH THE SAME, AND PROCESS FOR PRODUCING THE COMPOSITION

Dear Shigeru Yasuda:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

Counsel of Record:
Kenyon & Kenyon Llp
1500 K Street N.W.
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Washington, DC 20005

23 JUN 2006

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Guy Yonay
Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, NY 10036

In re Application of	:	
BARAK	:	
U.S. Application No.: 10/581,047	:	DECISION ON PETITION
PCT No.: PCT/IL04/00873	:	
Int. Filing Date: 21 September 2004	:	UNDER 37 CFR 1.137(b)
Priority Date: 24 September 2003	:	
Attorney Docket No.: P-8761-US	:	
For: PULSE FORMING NETWORK AND PULSE GENERATOR	:	

The petition to revive under 37 CFR 1.137(b) filed 30 May 2006 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 a compliant, executed oath or declaration of the inventor is required.

Derek A. Putonen
Attorney Advisor
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Tel: (571) 272-3294
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SEP 2 5 2009

Leslie Fischer
Novartis Pharmaceuticals Corp.
Patents Pharma
One Health Plaza, Building 104
East Hanover, NJ 07936-1080

In re Application of	:
Bigaud et al.	:
Serial No.: 10/581,068	:Decision on Petition
Filed: November 9, 2006	:
Attorney Docket No.: 33537-US-PCT	:

This letter is in response to the petition filed under 37 C.F.R. § 1.144 on March 27, 2009 requesting reconsideration of the restriction requirement. The delay in acting upon this petition is regretted.

BACKGROUND

This application was filed as a national stage application under 35 USC 371 of PCT/EP04/013727 and as such, is eligible for PCT unity of invention practice.

On September 19, 2008, the examiner restricted claims 1-10 and 13-15 under 35 USC 121 and 372 into 6 groups as follows:

Group 1, claim(s) 1 and 2 in part as they require mRNA expression analysis, claims 6 and 13-15 as they depend from claim 1, and claims 9 and 10, drawn to methods for monitoring transplant rejection comprising analysis of mRNA expression.

Group 2, claim(s) 1 and 2 in part as they require protein expression analysis, claims 6 and 13-15 as they depend from claim 1, and claims 7 and 8, drawn to methods for monitoring transplant rejection comprising analysis of protein expression.

Group 3, claim(s) 3 in part as it requires mRNA expression analysis, drawn methods for monitoring transplant rejection comprising administration of an agent.

Group 4, claim(s) 3 in part as it requires protein expression analysis, drawn methods for monitoring transplant rejection comprising administration of an agent.

Group 5, claim(s) 4, drawn methods for affecting transplant rejection comprising administering a compound that alters gene activity.

Group 6, claim(s) 5, drawn methods for identifying an agent that affects transplantation rejection.

The examiner also required election of a specific gene or combination of genes.

On November 10, 2008, applicants elected, with traverse, Group I, methods for monitoring transplant rejection comprising analysis of RNA, and further elected the species AIF-1 gene. Applicants traversed the restriction requirement and requirement to elect a species.

On February 13, 2009, the examiner mailed to applicants a non-final Office action. The examiner considered the traversal of the restriction and species election requirements and made the requirements Final. Claims 3, 4, 5, 7, 8, 13, and 14 were withdrawn from consideration. Claims 1, 2, 6, 9, 10, and 15 were examined on the merits. The following objections and rejections were made:

1) Claims 1 and 2 were objected under for reciting non-elected subject matter;

2) Claims 2, 6, 9, 10, and 15 were rejected under 35 USC 101 as being directed to non-statutory subject matter;

3) Claims 1, 2, 6, 9, 10, and 15 were rejected under 35 USC 112, second paragraph, as being indefinite;

4) Claims 1, 9, and 10 were rejected under 35 USC 102(b) as being anticipated by Stegall et al.;

5) Claim 2 was rejected under 35 USC 103(a) as being unpatentable over Stegall et al.;

6) Claim 6 was rejected under 35 USC 103(a) as being unpatentable over Stegall et al. in view of Chandraker et al.;

7) Claim 15 was rejected under 35 USC 103(a) as being unpatentable over Stegall et al. in view of Kelemen et al.

On March 27, 2009, applicant submitted the petition currently under review.

DISCUSSION

The petition and file history have been carefully considered.

Claim 1, representative of Groups I and II, appears below:

Claim 1. (Original): A method of monitoring transplant rejection in a subject comprising

a) taking as a baseline value the level of mRNA expression corresponding to or protein encoded by at least one gene, in a specific tissue sample of a transplanted subject who is known not to develop rejection;

b) detecting a level of mRNA expression corresponding to or protein encoded by the at least one gene identified in a) in an tissue sample of the same tissue type as in a) obtained from a patient post-transplantation; and

c) comparing the first value with the second value, wherein a first value lower or higher than the second value predicts that the transplanted subject is at risk of developing rejection,

wherein the gene is as defined in Table 1, 2 or 3.

Claim 1, step (a) recites in the alternative either mRNA expression corresponding to or protein encoded by at least one gene. It is this portion of the restriction requirement which is under petition.

The petition correctly states that the claims are not directed to mRNAs or proteins. Applicants are claiming a method of using such, where the embodiments are recited in the alternative of a single claim. MPEP 803.02 provides guidance for the examination of Markush claims and states in part:

> The members of the Markush group (A, B, and C in the example above) ordinarily must belong to a recognized physical or chemical class or to an art-recognized class. However, when the Markush group occurs in a claim reciting a process or a combination (not a single compound), it is sufficient if the members of the group are disclosed in the specification to possess at least one property in common which is mainly responsible for their function in the claimed relationship, and it is clear from their very nature or from the prior art that all of them possess this property.

This guidance is similar to that provided by the International Search and Preliminary Examination Guidelines published January 2004, relevant parts of which are provided below:

> The situation involving the so-called Markush practice wherein a single claim defines alternatives (chemical or non-chemical) is also governed by PCT Rule 13.2. In this special situation, the requirement of a technical interrelationship and the same or corresponding special technical features as defined in PCT Rule 13.2, shall be considered to be met when the alternatives are of a similar nature.
>
> When the Markush grouping is for alternatives of chemical compounds, they shall be regarded as being of a similar nature where the following criteria are fulfilled:
>
> (A) All alternatives have a common property or activity; and
>
> (B)(1) A common structure is present, i.e., a significant structural element is shared by all of the alternatives; or

(B)(2) In cases where the common structure cannot be the unifying criteria, all alternatives belong to a recognized class of chemical compounds in the art to which the invention pertains.

In paragraph (B)(1), above, the words "significant structural element is shared by all of the alternatives" refer to cases where the compounds share a common chemical structure which occupies a large portion of their structures, or in case the compounds have in common only a small portion of their structures, the commonly shared structure constitutes a structurally distinctive portion in view of existing prior art, and the common structure is essential to the common property or activity. The structural element may be a single component or a combination of individual components linked together.

In paragraph (B)(2), above, the words "recognized class of chemical compounds" mean that there is an expectation from the knowledge in the art that members of the class will behave in the same way in the context of the claimed invention. In other words, each member could be substituted one for the other, with the expectation that the same intended result would be achieved.

In the instant case, the alternatives (i.e., detecting levels of mRNA or protein) have a common property as per PCT Rule 13.2(A), namely, that a change in the level of mRNA or protein is indicative of transplant rejection and that a decrease in mRNA expression would necessarily correlate with an accompanying decrease in protein level. The alternatives also meet the requirements of PCT Rule 13.2(B)(2), in that each member may be substituted for the other, with the expectation that the same intended result would be achieved. For these reasons, unity of invention is present between Group I and Group II and.the restriction between Groups I and II would not be not proper.

However, this application contains claims 7-10 directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows: the RNA corresponding to the gene (claims 9-10) and the protein encoded by the gene (claims 7-8)

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise require all the limitations of an allowed generic claim. Currently, the following claim(s) are generic: 1 and 2.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the species lack unity of invention because even though the inventions of these groups require the technical feature of **being derived from a gene**, this technical feature is not a special technical feature as it does not make a contribution over the prior art in view of Stegall, as applied in the prior art rejection, in the Office action mailed 13 February 2009.

Finally, it is noted that the examiner has objected to clams 1-2 for reciting non-elected subject matter. This is incorrect. Applicants are entitled to retain their generic claims for examination, per MPEP 809. See:

"Where the requirement for restriction in an application is predicated upon the nonallowability of generic or other type of linking claims, applicant is entitled to retain in the application claims to the nonelected invention or inventions."

DECISION

The petition is **GRANTED-IN-PART** for the reasons set forth above.

The restriction requirement between Groups I and II mailed September 19, 2008 is withdrawn.

An election of species requirement is set forth between the RNA corresponding to or protein encode by a gene. Because applicants elected Group I, (RNA), the species of RNA will continue to be examined.

The objection of Claims 1 and 2 for reciting non-elected subject matter is withdrawn.

The application will be forwarded to the examiner for preparation of a Office action consistent with this decision, in which the clams 1, 2, and 9-10 will be examined, per MPEP 809. Should the same or corresponding technical feature shared between the groups or the species become a contribution over the prior art, unity of inventions will be assessed anew. Should the generic claim become allowable, call claims which depend from or require all the limitations of the generic claim would be considered for rejoinder per MPEP 821.04(a).

Should there be any questions about this decision, please contact Special Program Examiner Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Michael Wityshyn
Acting Director, Technology Center 1600

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OFFICE OF PETITIONS

JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX, VA 22030

In re Application of :
Andy Ho, et al. :
Application No. 10/581,090 : DECISION ON PETITION
Filed: February 26, 2007 : TO WITHDRAW
Attorney Docket No. COCH-0232-US1 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 9, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Jagtiani & Guttag has been revoked by the assignee of the patent application on November 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 undersigned at 571-272- 1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: JAYNE ANDREWS, PATENT MANAGER
COCHLEAR LIMITED
14 – 16 MARS ROAD
LANE COVE, NSW 2066
AUSTRALIA

30 JUN 2006

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Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

In re Application of :
WIETH et al. :
Application No.: 10/581,102 :
PCT No.: PCT/DE04/02110 :
Int. Filing Date: 22 September 2004 : DECISION ON PETITION
Priority Date: 22 September 2003 :
Attorney Docket No.: SPT-PT007 :
For: TRANSPORT CAR WITH ANTI-THEFT PROTECTION

The petition to revive under 37 CFR 1.137(b) filed 31 May 2006 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
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton, NJ 08543-5312

Mail Date: 04/21/2010

Applicant	: Khelan M. Modi	: DECISION ON REQUEST FOR
Patent Number	: 7663696	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/581,152	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/31/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **420** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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09 APR 2008

NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

In re Application of :
BEHRENS, Jorg :
Application No.: 10/581,162 : DECISION ON PETITION
PCT No.: PCT/IB04/52628 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 01 December 2004 :
Priority Date: 10 December 2003 :
Attorney Docket No.: DE 03 0414 US1 :
For: WIRE-BOUND SEMICONDUCTOR COMPONENT WITH REINFORCED INNER CONNECTION METALIZATION

The petition to revive under 37 CFR 1.137(b) filed 31 March 2008 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 an executed declaration and power of attorney and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

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OFFICE OF PETITIONS

In re Application of	:	
Rossi	:	DECISION ON APPLICATION
Application No. 10/581,172	:	FOR
Filed: February 6, 2007	:	PATENT TERM ADJUSTMENT
Attorney Docket No. : SER.109	:	
Title: METHOD FOR PURIFYING FSH	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(b)," filed November 20, 2009. Applicants request that the patent term adjustment indicated on the initial determination of patent term adjustment be corrected from two hundred and seventy-four (274) days to five hundred and one (501) days.

The request for review of the patent term adjustment is **DISMISSED**.

On November 4, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 274 days. The instant application for patent term adjustment was timely filed[1] on or before payment of the issue fee.

It is noted that the 371 acceptance letter (M903) mailed on March 8, 2007 indicates that the fulfillment date (the date of completion of all 35 U.S.C. § 371 requirements) is February 6, 2007 and the priority date is December 22, 2003.

[1] PALM records indicate that the issue fee was received on January 11, 2010.

37 CFR 1.702(a)(1) states that the term of an original patent shall be adjusted by the failure of the Office to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371 in an international application.

This application fulfilled the requirements of 35 U.S.C. 371 in an international application on February 6, 2007, and a restriction requirement was mailed 14 months and 250 days later on December 12, 2008, resulting in 250 days of examination delay. Petitioner contests this finding and asserts that this mailing resulted in a delay of 477 days.

It is noted in passing that Petitioner makes reference to a decision in US. Patent No. 7,465,444 involving "the 30-month date."[2] However, Petitioner will note that the 30-month anniversary of the priority date constitutes the commencement date,[3] which is used for calculating the period of delay set forth in 37 CFR 1.702(b), and not the period of delay set forth in 37 CFR 1.702(a)(1).

Petitioner's assertion regarding the inaccuracy of the 250-day reduction is not persuasive. The delay is properly calculated as running from the *fulfillment date* until the mailing of the restriction requirement. Petitioner has erroneously *calculated the period of delay by beginning at the commencement date (instead of the fulfillment date) and concluding with the date of the mailing of the restriction requirement*.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 274 (274 days of Office delay minus 0 days of Applicant delay[4]) days.

Submission of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is required.

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

---

[2] Petition, page 2.
[3] This international application has a priority date of December 22, 2003. The 30-month anniversary of this date, June 22, 2006, is the commencement date of this international application.
[4] Neither the additional 24 days of Office delay nor the 0 days of Applicant is in dispute.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

03 JUL 2006

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Douglas H. Goldhush
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8000 Towers Crescent Drive
14th Floor
Tysons Corner, VA 22182-2700

In re Application of	:	
MAYER, et al.	:	DECISION ON PETITION
Application No.: 10/581,207	:	
PCT No.: PCT/IB04/03573	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 21 October 2004	:	
Priority Date: 21 October 2003	:	
Atty. Docket No.: 59643.00690	:	
For: A METHOD FOR HANDLING SERVICE FAILURES	:	

The petition to revive under 37 CFR 1.137(b) filed 01 June 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "applicants' failure to enter the U.S. National Stage by April 21, 2006, was unintentional" is being interpreted to mean 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." If this interpretation is incorrect, applicant must notify the 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. 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 (DO/EO/US) for the preparation and mailing of a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors and payment of the appropriate surcharge is required.

Derek A. Putonen
Attorney Advisor
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Fax: (571) 273-0459

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M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

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OFFICE OF PETITIONS

In re Application of :
Bart Gerard Bernard Barenbrug, et al. :
Application No. 10/581,222 : DECISION ON PETITION
Filed: June 1, 2006 :
Attorney Docket No. NL03 1424 US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 30, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 28, 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 February 14, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

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

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

This application is being referred to Technology Center AU 2628 for appropriate action by the Examiner in the normal course of business on the reply received September 30, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

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Olive & Olive, P.A.
500 Memorial Street
PO Box 2049
Durham, NC 27702

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In re Application of	:	
Michel Abittan	:	
Application No. 10/581,233	:	DECISION ON PETITION
Filed: August 3, 2006	:	TO WITHDRAW
Attorney Docket No. ABAL5001	:	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 8, 2008.

The request is **APPROVED**.

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

The request was signed by Marjorie C. Gurganus 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 Michel Abittan at the address indicated below.

There is an outstanding Office action mailed March 27, 2007 that requires a reply from the 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: **Michel Abittan**
Hoveniersstraat 2 Bus 338
Antwerp, 2018
Belgium

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/581,233	08/03/2006	Michel Abittan	ABAL5001

CONFIRMATION NO. 1829

POWER OF ATTORNEY NOTICE

29889
OLIVE & OLIVE, P.A.
500 MEMORIAL STREET
PO BOX 2049
DURHAM, NC 27702

OC000000031824849

Date Mailed: 08/29/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/08/2008.

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

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23 AUG 2007

Rutan & Tucker, LLP.
Hani Z. Sayed
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

In re Application of :
HORTON, Donald L. :
Application No.: 10/581,240 : DECISION ON
PCT No.: PCT/US2004/032797 :
Int. Filing Date: 05 October 2004 : REQUEST
Priority Date: None :
Attorney's Docket No.: 020512.0012US : UNDER 37 CFR 1.42
For: ROTARY CIRCUIT SELECTION DEVICE :
WITH CROWN DETENT :

This is a decision is in response to applicants submission of a declaration indicating that inventor Donald L. Horton is deceased. The declaration has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 05 October 2004, applicants filed international application PCT/US2004/032797. The deadline for entry into the national stage in the United States was 05 April 2007.

On 02 June 2006, 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 02 March 2007, 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) is required.

On 01 May 2007, applicants submitted a declaration of the inventors, with an indication that a joint inventor was deceased and the surcharge for late filing of the search fee, examination fee or 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.

The declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.42. The declaration lists the inventor and his citizenship and the legal representatives and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497.

CONCLUSION

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

The application has a date of 01 May 2007 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
Attorney Advisor
PCT Legal Administration

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

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17 JUL 2006

Dilworth & Barrese
333 Earle Ovington Blvd.
Suite 702
Uniondale NY 11533

In re Application of: ABERG, Per, et al.
U.S. Application No.: 10/581,284
Int'l Application No: PCT/SE2004/001634
Int'l Filing Date: 08 November 2004
Priority Date: 07 November 2003
Attorney Docket No.: 1304-7
For: NETHOD, APPARATUS AND SOFTWARE FOR GAS METAL ARC WELDING WITH A CONTINUOUSLY FED ELECTRODE

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 02 June 2006 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 pursuant to 37 CFR 1.137(b) was unintentional" satisfies the requirement 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 United States of America.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of 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 oath or declaration later than thirty months after the priority date.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

28 JUN 2006

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BINGHAM, MCCUTCHEN LLP
THREE EMBARCADERO CENTER
18 FLOOR
SAN FRANCISCO CA 94111-4067

In re Application of:	:	
PAUL, Sudhir, et al.	:	DECISION ON PETITION
U.S. Application No.: 10/581,294	:	UNDER 37 CFR 1.137(b)
Int'l Application No: PCT/US2004/009398	:	
Int'l Filing Date: 26 March 2004	:	
Priority Date: 26 March 2003	:	
Attorney Docket No.: 7050212001	:	
For: PROTEOLYTIC AND COVALENT ANTIBODIES	:	

The petition to revive under 37 CFR 1.137(b) filed 01 June 2006 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" satisfies the requirement 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 United States of America.

The 01 June 2006 submission included an executed declaration in compliance with 37 CFR 1.497. Deposit Account No. 50-2518 will be charged the surcharge for filing this declaration later than thirty months after the priority date.

This application is being referred 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 01 June 2006.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA, VA 22304

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APR 27 2009

OFFICE OF PETITIONS

In re Application of
PAUL, Sudhir et al.
Application No. 10/581,294
Filed: June 01, 2006
Attorney Docket No. **D6812**

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 March 18, 2009.

The request is not approved because it is **moot**.

A review of the file record indicates that the power of attorney to NEIFELD IP LAW, PC has been revoked by the applicant of the patent application on March 03, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **BENJAMIN A. ADLER, PHD, J.D.**
8011 CANDLE LN.
HOUSTON TX 77071

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ALEXANDRIA, VA 22304

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of :
PAUL, Sudhir et al. :
Application No. 10/581,294 : DECISION ON PETITION
Filed: June 01, 2006 : TO WITHDRAW
Attorney Docket No. **D6812** : 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 18, 2009.

The request is not approved because it is **moot**.

A review of the file record indicates that the power of attorney to NEIFELD IP LAW, PC has been revoked by the applicant of the patent application on March 03, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **BENJAMIN A. ADLER, PHD, J.D.**
8011 CANDLE LN.
HOUSTON TX 77071

27 JUN 2006

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BINGHAM McCUTCHEN, LLP
Three Embarcadero Center, Suite 1800
San Francisco, CA 94111-4067

In re Application of :
SUDHIR :
U.S. Application No.: 10/581,295 :
PCT No.: PCT/US2004/009662 :
Int. Filing Date: 29 March 2004 : **DECISION**
Priority Date: 27 March 2003 :
Attorney's Docket No.: 7050202001 :
For: LUPUS ANTIBODIES FOR PASSIVE :
IMMUNOTHERAPY OF HIV/AIDS :

Applicant's "Petition for Revival of an International Application for Patent Designating the United States Abandoned Unintentionally Under 37 CFR §1.137(b)" filed with the national stage papers on 01 June 2006 is hereby **GRANTED** as follows:

The basic national fee and petition fee have been paid. Applicant's statement is sufficient to meet the requirements of 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. The surcharge fee of $130.00 has been charged to Deposit Account No. 50-2518 as authorized.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 29 March 2004 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 01 June 2006.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Neifeld IP Law, PC
4813-B Eisenhower Avenue
Alexandria, VA 22304

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MAY 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Sudhir Paul	:	
Application No. 10/581,295	:	DECISION ON PETITION
Filed: June 1, 2006	:	TO WITHDRAW
Attorney Docket No. D6813	:	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 18, 2009.

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

A review of the file record indicates that the power of attorney to Neifeld IP Law, PC has been revoked by the assignee of the patent application on March 18, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Benjamin A. Adler, PhD, JD**
8011 Candle Lane
Houston, TX 77071

26 JUN 2006

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BINGHAM, MCCUTCHEN LLP
THREE EMBARCADERO CENTER
SUITE 1800
SAN FRANCISCO CA 94111-4067

In re Application of	:	
Paul et al.	:	
Application No.: 10/581,296	:	DECISION
PCT No.: PCT/US04/09399	:	
Int. Filing Date: 26 March 2004	:	ON
Earliest Priority Date: 26 March 2003	:	
Attorney Docket No.: 7050192001	:	PETITION
For: Covalent Attachment Of Ligands	:	
To Nucleophilic Proteins Guided	:	
By Non-Covalent Binding	:	

The petition to revive under 37 CFR 1.137(b) filed 01 June 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicants state that "the entire delay in filing the required reply from the due date for the required reply until the filing of the grantable petition under 37 CFR 1.137(b) was unintentional." This statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that counsel has filed the required reply in the form of the basic national fee, and has paid the petition 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.

The $65.00 surcharge under 37 CFR 1.492(h) is being charged to counsel's Deposit Account No. 50-2518, as authorized by the Transmittal Letter filed on 01 June 2006.

This application is being forwarded to the United States Designated/Elected Office for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **01 June 2006**.

George M. Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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4813-B EISENHOWER AVENUE
ALEXANDRIA,VA 2304

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APR 13 2009

OFFICE OF PETITIONS

In re Application of :
Sudhir Paul, et al. :
Application No. 10/581,296 : DECISION ON PETITION
Filed: June 1, 2006 : TO WITHDRAW
Attorney Docket No. UTEX0011UPCT-US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 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 request was signed by Robert Hahl on behalf of all attorneys of record who are associated with customer No. 31518. All attorneys/agents associated with the Customer Number 31518 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 Sudhir Paul at the address indicated below.

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 March 10, 2009 that requires a reply from the applicant.

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: SUDHIR PAUL
2323 REFLECTION COURT
MISSOURI CITY, TX 77459

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/581,296	06/01/2006	Sudhir Paul	UTEX0011UPCT-US

CONFIRMATION NO. 3694

31518
NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA, VA 22304

POWER OF ATTORNEY NOTICE

OC00000035403478

Date Mailed: 04/08/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/18/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

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

29 JUN 2006

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Morris Liss
Connolly Bove Lodge & Hutz LLP
1990 M Street, NW
Suite 800
Washington, D.C. 20036

In re Application of :
CORCUERA, Javier Salazar :
Application No.: 10/581,312 : DECISION ON PETITION
PCT No.: PCT/ES04/00464 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 22 October 2004 :
Priority Date: 23 October 2003 :
Attorney Docket No.: 21029-00312-US1 :
For: FOLDABLE ACCESS RAMP FOR VEHICLES :

The petition to revive under 37 CFR 1.137(b) filed 20 June 2006 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
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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OFFICE OF PETITIONS

In re Application of
Walter David Braddock, IV
Application No. 10/581,316
Filed: June 2, 2006
Attorney Docket No. OSEMDB30UPCTUS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 22, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Richard Neifeld on behalf of all attorneys of record who are associated with customer No. 31518. All attorneys/agents associated with the Customer Number 31518 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.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: WALTER DAVID BRADDOCK, IV
1128 FIRST STREET NE
ROCHESTER, MN 55901

cc: OSEMI, INC.
250 HIGHWAY 19
RED WING, MN 55066

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/581,316	06/02/2006	Walter David Braddock IV	OSEMDB30UPCTUS

CONFIRMATION NO. 3859

POWER OF ATTORNEY NOTICE

31518
NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA, VA 22304

OC00000034491761

Date Mailed: 02/10/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/22/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

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

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28 AUG 2007

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA VA 22320

In re Application of:	:	
Stellwagen	:	DECISION ON
Application No.: 10/581,336	:	
Int. App. No.: PCT/DE04/02705	:	PETITION UNDER
Int. Filing Date: 08 December 2004	:	
Priority Date: 09 December 2003	:	37 CFR 1.182
Attorney Docket No.: 128174	:	
For: Hydraulic Controller Arrangement		

This is in response to the petitions filed on 20 February 2007 and 23 August 2007, which are being treated together under 37 CFR 1.182.

BACKGROUND

International application PCT/DE04/02705 was filed on 08 December 2004, claimed a priority date of 09 December 2003, and designated the United States. The 30 month period for payment of the basic national fee in the U.S. ended as of midnight on 09 June 2006. On 02 June 2006, applicant filed *inter alia* the basic national fee.

DISCUSSION

Petitioner refers to certain documents allegedly filed on 13 June 2006, 19 June 2006 and 22 August 2006. Petitioner states that

> These documents were inadvertently filed with the wrong U.S. application number listed on them. The documents identified U.S. application number 10/581,366 instead of their correct U.S. application number 10/581,336. However, the correct PCT application number was identified on the PCT Transmittals, which accompanied all these documents. Therefore, Applicant respectfully requests that the above-identified documents be transferred to the correct application number 10/581,336 and the dates of filing these documents be listed as their original filing dates indicated on the date-stamped Patent and Trademark Office's receipts.

Review of the application file reveals that the correspondence filed on 19 June 2006 has been associated with this file, despite having been directed to application no. 10/581,366. The correspondence allegedly filed on 13 June 2006 is present neither in the instant application file nor in 10/581,366. Regarding the correspondence allegedly filed on 22 August 2006, none of said correspondence is present in the instant application file, though a one-sheet IDS, a one-sheet PTO-1449 and 2 sheets of International Search Report (ISR) are present in 10/581,366.

Petitioner provides "photocopies of a PCT Transmittal and Declaration filed on June 13, 2006... and a PCT Transmittal, Information Disclosure Statement, PTO Form 1449, International search report and three references filed on August 22, 2006. Copies of the date-stamped receipts for these three filings are also enclosed." Inspection of the return postcard receipt stamped as

received by "OIPE JUN 13 2006" reveals that it itemizes a "chk# 180848 ($130); PCT Trans; Dec.,"while inspection of the return postcard receipt stamped as received by "OIPE AUG 22 2006" reveals that it itemizes an "IDS; 1449; ISR; w / 3 refs." MPEP 503 provides in part that "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." Accordingly, the PCT Transmittal Letter and Declaration filed on 20 February 2007 are being accepted as copies of the corresponding documents originally filed on 13 June 2006, while the three foreign references filed on 20 February 2007 are being accepted as copies of the corresponding documents originally filed on 22 August 2006. Treatment of the postcard pertaining to the 19 June 2006 filing is unnecessary since the complete 19 June 2006 submission is already of record.

As noted by counsel, the correspondence filed on 13 June 2006, 19 June 2006 and 22 August 2006 was misdirected to application no. 10/581,366 rather than the instant application. However, each said submission also properly identified at least the applicant, title and attorney docket number of the instant national stage application. In view of the explanation proffered by counsel to the effect that the correspondence in question was inadvertently directed to the wrong application number, and in view of the petition under 37 CFR 1.182 filed on 23 August 2007, the correspondence at issue is being accepted into the instant application file, each paper retaining its filing date. Specifically, this includes the declaration and fee transmittal filed on 13 June 2006; the transmittal and 3.73(b) statement, General Power of Attorney and Assignment filed on 19 June 2006, and the IDS, 1449, ISR and three references filed on 22 August 2006.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**, as described above.

Counsel's Deposit Account No. 15-0461 is being charged in the amount of $400.00 for the petition under 37 CFR 1.182, as authorized on 23 August 2007.

This application is being returned to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **13 June 2006** (i.e., the date the executed declaration was filed).

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

07 NOV 2007

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Commissioner for Patents
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WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of TSELNER et al.	:
Application No.: 10/581,373	: DECISION ON
PCT No.: PCT/DE04/02623	:
Int. Filing: 26 November 2004	: PETITION
Priority Date: 03 December 2003	:
Attorney Docket No.: 6169555-0004	:UNDER 37 CFR 1.47(a)
For: FRESH CONCRETE AND ADMIXTURE FOR FRESH CONCRETE	:

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 31 August 2007, to accept the application without the signature of the heir of joint inventor, Mikhail Tselner. Petitioner requests a five month extension of time, which is granted.

BACKGROUND

On 02 June 2006, 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 29 January 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b),and the English translation of the international application as filed along with the surcharge for filing the oath or declaration and the processing fee for filing the English translation after the thirty month period, was required. The notice set a two (2) month time period within which to reply. Extensions of time under 35 CFR 1.136(a) were available.

On 31 August 2007, applicant filed the instant petition along with a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of the heir of joint inventor Mikhail Tselner, alleging that Mr. Tselner' heir 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(g), (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 satisfied Items (1), (3) and (4).

With respect to Item (2) above, Petitioner has provided copies of emails with the German law firm involved with the application. According to counsel's petition, on 26 July 2007, the German law firm sent a declaration by facsimile to Mrs. Tselner. According to the petition, the declaration was also mailed to Mrs. Tselner. However, a statement by the person having first hand knowledge of the facts surrounding the presentation of the papers to the deceased inventor's heir has not been provided and is required. Petitioner has not provided any evidence that a complete copy of the application papers was presented to the heir(s) of the deceased inventor and that the heir(s) refused to sign the application

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. 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.)

Applicant is advised that the declaration must be in compliance with 37 CFR 1.497(a) and (b). The declaration must be executed by all the heirs of deceased inventor. If there is a sole heir, the declaration should indicate such. The declaration must identify both the deceased inventor and the sole heir and must state country of citizenship, former residency and mailing address for *both* the deceased inventor and the heir, for compliance with 37 CFR 1.497(b).

In sum, Petitioner has satisfied Items (1), (3) and (4) above. However, Petitioner has not

satisfied Item (2) by demonstrating: (1) a *bona fide* attempt was made to present a *copy of the application papers for U.S. application 10/581,373 (specification, including claims, drawings, and declaration)* to the nonsigning heir(s) of the deceased inventor for his signature and (2) nonsigning heir's refusal to sign, either in writing or by telephone, these documents.

For the reasons set forth above, the evidence submitted does not support a finding that the nonsigning inventor refuses 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
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459

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18 APR 2008

WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of TSELNER et al.	:
Application No.: 10/581,373	: DECISION ON
PCT No.: PCT/DE04/02623	:
Int. Filing: 26 November 2004	: RENEWED PETITION
Priority Date: 03 December 2003	:
Attorney Docket No.: 6169555-0004	:UNDER 37 CFR 1.47(a)
For: FRESH CONCRETE AND ADMIXTURE FOR FRESH CONCRETE	:

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 07 March 2008, to accept the application without the signature of the heir of deceased inventor Mikhail Tselner. Petitioner requests a two month extension of time, which is granted.

BACKGROUND

On 02 June 2006, 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 29 January 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b),and the English translation of the international application as filed along with the surcharge for filing the oath or declaration and the processing fee for filing the English translation after the thirty month period, was required. The notice set a two (2) month time period within which to reply. Extensions of time under 35 CFR 1.136(a) were available.

On 31 August 2007, in response to the 29 January 2007 Notification of Missing Requirements, applicant filed a petition along with a declaration, executed by the joint inventor on behalf of the nonsigning inventor, in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requesting the acceptance of the application without the signature of the sole heir of joint inventor Mikhail Tselner, alleging that Mr. Tselner' sole heir refused to sign the application.

On 07 November 2007, a decision was mailed dismissing the petition under 37 CFR 1.47(a).

On 07 March 2008, applicant filed a renewed petition along with a newly executed declarations identifying the deceased inventor, his sole heir and legal representative and the joint inventor.

DISCUSSION

Petitioner has now presented a renewed petition under 37 CFR 1.47(a) along with the declarations signed by sole heir of deceased joint inventor Mikhail Tselner. A review of the declarations reveals that the declarations identify and are executed by all the inventors named in the international application. The declarations state the residency, citizenship and mailing address of each inventor and the sole heir and legal representative of the deceased inventor. Thus, the declarations are acceptable and the requirements of 37 CFR 1.497(a) and (b).

The renewed petition under 37 CFR 1.47(a) is considered moot as declaration executed by the previously unavailable heir of the deceased inventor has now been submitted. The declarations are acceptable under 37 CFR 1.497(a) and (b).

CONCLUSION

For the above reasons, the renewed petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**. The declarations executed by the joint inventors and submitted on 07 March 2008 is in compliance with 37 CFR 1.497(a) and (b) and are acceptable.

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 **07 March 2008.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Tel: 571-272-3286
Fax: 571-273-0459

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THE LAW OFFICE OF JILL L. WOODBURN, LLC
JILL L. WOODBURN
128 SHORE DRIVE
OGDEN DUNES, IN 46368

COPY MAILED

AUG 27 2008

Applicant: Pachl
Appl. No.: 10/581,409
Filing Date: September 20, 2006
Title: COATED TEST ELEMENTS
Attorney Docket No.: 22344US
Pub. No.: 2007/0110613 A1
Pub. Date: May 17, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on August 30, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in dependent claim 7, wherein "claim 1" is misprinted as "one of claims 1 to 6" and the symbol "≥" is misprinted as ">".

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 August 30, 2007, was not timely filed under 37 CFR 1.221(b).

Applicants are 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 electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

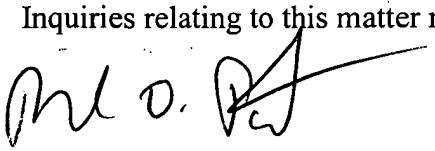
requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any 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 O. Polutta at (571) 272-7709.



Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Dietmar Baumann	: DECISION ON REQUEST FOR
Patent Number	: 7588128	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/581,414	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/02/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **457** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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14 AUG 2006

Peter K Trzyna
P O Box 7131
Chicago IL 60680

In re Application of	:	
CABALLERO	:	
Application No.: 10/581,419	:	DECISION ON
PCT No.: PCT/US2004/037000	:	
Int. Filing Date: 04 November 2004	:	PETITION UNDER
Priority Date: 04 November 2003	:	
Attorney Docket No.: MCEA-P5-04	:	37 CFR 1.137(b)
For: COMPUTER SYSTEM MANAGING AN INSURANCE RESERVE REQUIREMENT BY SEGMENTING RISK	:	

This decision is in response to applicant's submission filed 02 June 2006.

BACKGROUND

On 04 November 2004, applicant filed international application PCT/US2004/037000 which designated the U.S. and claimed a priority date of 04 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 06 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 May 2006.

On 02 June 2006, 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, and a petition under 37 CFR 1.137(b) to revive the application.

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 02 June 2006.

As to item (2), applicant submitted the petition fee on 02 June 2006.

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) requiring an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

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

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JUL 20 2007

OFFICE OF PETITIONS

PETER K. TRZYNA
P.O. BOX 7131
CHICAGO, IL 60680-7131

In re Application of :
Crispina O. Caballero et al :
Application No. 10/581,419 : DECISION ON PETITION
Filed: November 14, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. MCEA-P5-04 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 26, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Inventor Thomas F. Conroy stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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 3626 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX VA 22030

MAILED

FEB 1 3 2009

OFFICE OF PETITIONS

In re Application of :
OKADA, Masuaki :
Application No. 10/581,430 : DECISION ON PETITION
Filed: June 02, 2006 : TO WITHDRAW
Attorney Docket No. **YANE-0002-US1** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 17, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Steven B. Kelber on behalf of all attorneys of record. Steven B. Kelber has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is no outstanding office action at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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United States Patent and Trademark Office
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Vedder Price, PC
875 15th Street, NW
Suite 725
Washington, DC 20005

Mail Date: 07/09/2010

Applicant	: Masuaki Okada	: DECISION ON REQUEST FOR
Patent Number	: 7645681	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/581,430	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/02/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **553** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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06 FEB 2007

Wenderoth, Lind & Ponack, LLP
2033 K Street, NW
Suite 800
Washington, D.C. 20006

In re Application of
YAMAMICHI et al.
Application No.: 10/581,442
PCT No.: PCT/JP04/18169
Int. Filing Date: 06 December 2004
Priority Date: 10 December 2003
Attorney Docket No.: 2006_0779A
For: THEFT PREVENTION SYSTEM

DECISION ON PETITION

This decision is issued in response to the declaration submitted on 04 January 2007 which is being treated as a Request under 37 CFR 1.42.

BACKGROUND

On 06 December 2004, applicants filed international application PCT/JP04/18169, which claimed a priority date of 10 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 23 June 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 10 June 2006.

On 02 June 2006, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application; an executed declaration; and a preliminary amendment.

On 04 January 2007, applicants filed "Submission of Substitute Declaration and Power of Attorney.

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.

A. Declaration Filed 02 June 2006

The declaration filed on 02 June 2006 is executed by Msami Yamamichi, Satomi Yamamichi, and Keiko Yamamichi as the "heirs" of the deceased inventor, Masato Yamamichi. 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(b)(2).

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to revised 37 CFR 1.497(b)(2), in addition to the citizenship and former residence and post office address of the deceased inventor referenced under 37 CFR 1.497(a)(3) and 37 CFR 1.63, the declaration must also provide residence, citizenship, and post office address for the legal representative. The declaration filed on 02 June 2006 provides this information with respect to the heirs, but fails to provide the (former) citizenship of the deceased inventor. Accordingly, the declaration is not in compliance with 37 CFR 1.497(a)(3) and 37 CFR 1.63.

B. Declaration Filed 04 January 2007

The substitute declaration filed 04 January 2007 is executed by Msami Yamamichi, Satomi Yamamichi, and Keiko Yamamichi as the "heirs"of Masato Yamamichi and provides their residence, post office address and country of citizenship. In addition, the declaration provides the country of citizenship of the deceased inventor. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

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 **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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
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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

Mail Date: 04/20/2010

Applicant	: Herwig Buchholz	: DECISION ON REQUEST FOR
Patent Number	: 7588783	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/581,494	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/02/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **551** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

In re Application of :
OKADA, Masuaki :
Application No. 10/581,500 : DECISION ON PETITION
Filed: June 02, 2006 : TO WITHDRAW
Attorney Docket No. **YANE-0004-US1** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 17, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Steven B. Kelber on behalf of all attorneys of record. Steven B. Kelber has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is an outstanding Office action mailed January 16, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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13 FEB 2007

DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON DC 20005

In re Application of
TIPSMARK et al.
Application No.: 10/581,530
PCT No.: PCT/DK04/00838
Int. Filing Date: 02 December 2004
Priority Date: 05 December 2003
Attorney Docket No.: 66772-092-7
For: COMMUNICATION DEVICE WITH STRUCTURAL PART

DECISION ON

DECLARATION

This is a decision on applicants' declaration filed on 05 July 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 December 2004, applicant filed international application PCT/DK04/00838 which claimed a priority date of 05 December 2003.

On 2 June 2006, within the thirty month period, 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 5 July 2006, applicant filed a Combined Declaration and Power of Attorney executed by the named joint inventors and by **Jens Lundby** (who was not identified in the published International application).

DISCUSSION

A review of the published international application PCT/DK04/00838 reveals that Claus Tipsmark and Klaus L. Svendsen are the named inventors. Applicant did not provide an Notification of the Recording of A Change (Form PCT/IB/306) issued by the International Bureau adding Jens Lundby as a co-inventor under PCT Rule 92*bis*.

The declaration submitted on 05 July 2006 erroneously identifies Jens Lundby as a co-inventor with the named inventors and thus is not in compliance with 37 CFR 1.497(a) and (b). Since there is no indication that Jens Lundby was accepted by the International Bureau under PCT Rule 92*bis* as a co-inventor, it is improper to accept the declaration identifying her as a co-inventor.

CONCLUSION

The declaration executed by Jens Lundby as a joint inventor in the above referenced application is unacceptable and not in compliance with 37 CFR 1.497(a) and (b). A new declaration, in compliance with 37 CFR 1.497(a) and (b), and executed by inventors as named in the published international application is required.

In the alternative, Applicant should forward a copy of the Notification of the Recording of a Change (Form PCT/IB/306) if the correction was accepted by the International Bureau. If a correction under PCT Rule 92*bis* was not requested, a petition under 37 CFR 1.497(d) to add inventor Lundby to this application would be required.

The application will be held in the PCT Legal Office to await applicant's further reply.

Any reconsideration on the merits of the petition under 37 CFR §1.497 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 §1.497." 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)273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

29 MAY 2008

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DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON DC 20005

In re Application of TIPSMARK et al. Application No.: 10/581,530 PCT No.: PCT/DK04/00838 Int. Filing Date: 02 December 2004 Priority Date: 05 December 2003 Attorney Docket No.: 66772-092-7 For: COMMUNICATION DEVICE WITH STRUCTURAL PART	DECISION ON DECLARATION

This is a decision on applicant's communication filed on 20 March 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 December 2004, applicant filed international application PCT/DK04/00838 which claimed a priority date of 05 December 2003.

On 2 June 2006, within the thirty month period, 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 5 July 2006, applicant filed a Combined Declaration and Power of Attorney executed by the named joint inventors and by **Jens Lundby** (who was not identified in the published International application).

On 13 February 2007, a decision was mailed to applicant indicating that the declaration erroneously identified Jens Lundby as a co-inventor with the named inventors and thus was not in compliance with 37 CFR 1.497(a) and (b), since there was no indication that Jens Lundby was accepted by the International Bureau under PCT Rule 92*bis* as a co-inventor.

On 20 March 2007, applicant submitted a communication accompanied by a Notification of the Recording of A Change (Form PCT/IB/306) issued by the International Bureau on 07 March 2007 adding Jens Lundby as an applicant/inventor under PCT Rule 92*bis*.

DISCUSSION

A review of the published international application PCT/DK04/00838 reveals that Claus Tipsmark and Klaus L. Svendsen are the named inventors. Applicant has now provided an Notification of the Recording of A Change (Form PCT/IB/306) issued by the International Bureau adding Jens Lundby as an applicant/inventor for the U.S. only under PCT Rule 92*bis*.

The declaration submitted on 05 July 2006 is in compliance with 37 CFR 1.497(a) and (b) and acceptable.

CONCLUSION

With the submission of the Notification of the Recording of A Change (Form PCT/IB/306), the declaration executed by Jens Lundby as a joint inventor in the above referenced application is acceptable and in compliance with 37 CFR 1.497(a) and (b).

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 05 July 2006.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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06 MAR 2008

D. Bruce Prout
Christie, Parker & Hale, LLP
P.O. Box 7068
Pasadena, CA 91109-7068

In re Application of	:	DECISION ON
HUANG, Xinhua	:	
PCT No.: PCT/CN2004/001013	:	
Application No.: 10/581,541	:	
Int. Filing Date: 02 September 2004	:	PETITION UNDER
Priority Date: 05 December 2003	:	
Attorney's Docket No.: 57822/J193	:	
For: A LIGHTER OR LIGHTING GUN WITH	:	
A SAFETY SWITCH	:	37 CFR 1.10 (e)

This is in response to applicant's "PETITION FOR REINSTATEMENT, OR IN THE ALTERNATIVE, TO REVIVE UNDER 37 CFR 1.137(b)," filed 19 February 2008, which is being treated as a petition under 37 CFR 1.10(e) requesting that the above-identified application's executed declaration be considered as received in the United States Patent and Trademark Office (USPTO) on 22 March 2007, timely and the withdrawal of the "Notice of Abandonment." No petition fee is required.

BACKGROUND

On 02 September 2004, applicant filed international application PCT/CN2004/001013, which claimed priority of an earlier application filed 05 December 2003.

On 02 June 2006, applicant filed for entry into the national stage in the United States of America. Filed with the application was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the application at such time.

On 12 February2008, 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 in that it is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68" must be submitted within two months from the 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 08 February 2008, 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 or properly reply to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 12 February 2007 within the time period set therein.

In response to the "NOTIFICATION OF ABANDONMENT" mailed on 08 February 2008, applicant submitted on 19 February 2008 the instant petition requesting withdrawal of the Notice of Abandonment and a copy of the executed declaration allegedly filed on 22 March 2007. In support of the request, applicant has provided a copy of the returned/stamped receipt card acknowledging a receipt date of 22 March 2007, copy of the executed declaration, and a copy of the customer receipt of "Express Mail" Label No. EV825263037US.

DISCUSSION

37 CFR 1.10(e) states:

(e) Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS, but not received by the Office, may petition the Commissioner to consider such correspondence filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Commissioner, the original deposit of the correspondence, and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

With regard to item (1), the present petition was promptly filed within applicant becoming aware that the Office had no evidence of receipt of the correspondence in question.

With regard to item (2), a review of the application file indicates that the number of the "Express Mail" mailing label "EV825263037US" was placed on the correspondence prior to the original mailing by Express Mail on 22 March 2007.

With regard to item (3), applicant has provided a copy of the originally deposited application that constitutes the correspondence showing the number of the Express Mail label as "EV825263037US" thereon and a copy of the Express Mail label "EV825263037US" showing the "date-in" as 22 March 2007, as required.

With regard to item (4), applicant has provided the requisite statement that applicant submits copies of the papers submitted on March 22, 2007.

The petition is deemed to satisfy requirements (1), (2), (3) and, (4) under 37 CFR §1.10(e).

Accordingly, the date of receipt for the executed Declaration is 22 March 2007.

CONCLUSION

For the reasons above, the petition under 37 C.F.R. §1.10(e) is **GRANTED**.

The Notification of Abandonment (PCT/DO/EO/909) mailed 08 February 2008 was in error and is hereby **VACATED**.

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 is **22 March 2007**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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SUITE 2800
HOUSTON, TX 77010

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OFFICE OF PETITIONS

In re Application of :

GALLEN, Anthony Niall et al. :
Application No. 10/581,543 : DECISION ON PETITION
Filed: February 06, 2007 : TO WITHDRAW
Attorney Docket No. **17087/007001** : 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 13, 2008.

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 the undersigned at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MR. CHARLES MALTBY**
PRODUCT DEVELOPMENT DIRECTOR
SCREEN TECHNOLOGY LTD.
THE MARIS CENTRE, HAUXTON ROAD
CAMBRIDGE, UNITED KINGDOM
CB2 9FT

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OFFICE OF PETITIONS

In re Application of :
GALLEN, Anthony N. et al. :
Application No. 10/581,543 : DECISION ON PETITION
Filed: February 06, 2007 : TO WITHDRAW
Attorney Docket No. 17087/007001 : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 10, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

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).

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 Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: MR. CHARLES MALTBY.
PRODUCT DEVELOPMENT DIRECTOR
SCREEN TECHNOLOLGY LTD.
THE MARIS CENTRE, HAUXTON ROAD
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In re Application of :
GALLEN, Anthony N. et al. :
Application No. 10/581,543 : DECISION ON PETITION
Filed: February 06, 2007 : TO WITHDRAW
Attorney Docket No. **17087/007001** : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 29, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

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 Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MR. CHARLES MALTBY**
PRODUCT DEVELOPMENT DIRECTOR
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P.O. Box 1022
Minneapolis, MN 55440-1022

In re Application of :
BROWN *et al* :
U.S. Application No.: 10/581,545 :
PCT No.: PCT/GB2004/005090 :
Int. Filing Date: 03 December 2004 : **DECISION**
Priority Date: 03 December 2003 :
Docket No.: 13425-192US1/BV-1087 US :
For: SYNTHESIS OF 2-SUBSTITUTED :
ADENOSINES :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 14 November 2008.

BACKGROUND

On 15 April 2008, the Office mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration and surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 14 November 2008, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by three of the four joint inventors on behalf of the nonsigning inventor; a $130.00 surcharge fee; a $200.00 petition fee; a five-month extension of time and fee; a declaration of Neil Thornton; a declaration of Lars Höglund; and documentary evidence in support of the petition (exhibits A - B).

DISCUSSION

Applicants claim that co-inventor Dr. Jacqueline Valerie Anne Ouzman refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventor cannot be located or refuses to cooperate; (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.

The $200.00 petition fee has been paid. The last known address of the

nonsigning inventor was provided. An executed declaration meeting the requirements of section 409.03(a) of the MPEP and 37 CFR 1.497(a) and (b) was provided.

Regarding item (2), petitioners state that Dr. Ouzman has been unwilling to sign documents for the above-identified application without any payment from Biovitrium AB. *See* Thornton Decl. at ¶ 2 -3. Petitioners provided a copy of a letter dated 09 October 2007 indicating that a complete copy of the subject application (denoted as BV-1087US) was sent to the nonsigning inventor (exhibit A). Mr. Thornton confirms that Dr. Ouzman received these documents.[1] *See* Thornton Decl. at ¶ 2. Mr. Thornton states that "Dr. Ourzman has to date been unwilling to sign the declaration without payment of a fee." *See* Thornton Decl. at ¶ 3. This conduct is sufficient to constitute a refusal to join as contemplated by section 409.03(d)(II) of the MPEP.

Accordingly, all the requirements of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 03 December 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 14 November 2008.

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

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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[1] The email dated 19 October 2007 indicates that Ms. Ouzman received a copy of patent number BV-1039US by email, not BV-1087US. Nonetheless, the statement by Mr. Thornton that Dr. Ouzman received the documents dated 09 October 2007 is sufficient to ensure receipt of the subject application.

UNITED STATES PATENT AND TRADEMARK OFFICE

14 JAN 2009

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

Dr. Jacqueline Ouzman
76 Nab Wood Crescent
Shipley
Bradford
West Yorkshire BD18 4HY
United Kingdom

In re Application of
BROWN *et al*
U.S. Application No.: 10/581,545
PCT No.: PCT/GB2004/005090
Int. Filing Date: 03 December 2004
Priority Date: 03 December 2003
Docket No.: 13425-192US1/BV-1087 US
For: SYNTHESIS OF 2-SUBSTITUTED ADENOSINES

Dr. Ouzman:

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.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

FISH & RICHARDSON PC
P.O. Box 1022
Minneapolis, MN 55440-1022

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JAN 1 3 2009

KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND OR 97204

In re Application of :
Liao et al.
Serial No.: 10/581,570
Filed: June 2, 2006
Attorney Docket No.: **8127-66576-05**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed December 4, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner indicates that an Information Disclosure Statement submitted on June 2, 2006 contained a reference (WO 01/16346A1) which had two additional pages attached thereto and requests that this reference be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

Petitioner also indicates that an Information Disclosure Statement has been filed concurrently with this petition which contains the reference (WO 01/16346A1) without the additional unrelated two pages.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the reference (WO 01/16346A1) in the IDS of June 2, 2006 is appropriate. The document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

The petition is **GRANTED**.

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

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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16 AUG 2007

WALKER DIGITAL, LLC
2 HIGH RIDGE PARK
STAMFORD, CT 06905

In re Application of BREITENBACH et al	:	
U.S. Application No.: 10/581,588	:	
PCT Application No.: PCT/US2004/041561	:	
Int. Filing Date: 09 December 2004	:	
Priority Date Claimed: 09 December 2003	:	DECISION
Attorney Docket No.: 03-061	:	
For: PRODUCTS AND PROCESSES FOR ESTABLISHING MULTI-TRANSITION RELATIONSHIPS WITH CUSTOMERS OF VENDING MACHINES	:	

This is in response to applicant's "Petition Under 37 CFR §1.47(a) to Request Acceptance of National Application Without Participation of One or More Inventors" filed 15 May 2007, which is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 09 December 2004, applicant filed international application papers with the United States Receiving Office (RO/US). The submission was assigned the above-identified International Application Number and International Filing Date.

On 09 December 2004, applicant filed international application PCT/US2004/041561, which claimed priority of an earlier United States application filed 09 December 2003. The thirty-month period for paying the basic national fee in the United States expired on 09 June 2006.

On 02 June 2006, 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 16 February 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 March 2007, applicant filed an executed declaration.

On 17 April 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 12 March 2007 lists three inventors who are not listed in the published international application.

On 15 May 2007, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

37 CFR 1.497(d) (effective 07 November 2000) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see §3.73(b) of this chapter).

With regard to item (1) above, the requisite statements have been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, written consent of the assignee has not been provided.

Applicant is advised that the declaration filed 12 March 2007 is an improper composite declaration. The fact that pages 3 and 4 list the same information and that pages 5 and 6 list the same information suggests that individual pages from different documents were combined to create the submitted declaration subsequent to the execution of the different documents. Applicant must submit either: (1) a single complete declaration which is presented to and executed by all of the inventors or (2) multiple complete declarations, wherein each inventor's signature appears on at least one of the multiple complete declarations.

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 Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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25 OCT 2007

WALKER DIGITAL, LLC
2 HIGH RIDGE PARK
STAMFORD, CT 06905

In re Application of BREITENBACH et al :
U.S. Application No.: 10/581,588 :
PCT Application No.: PCT/US2004/041561 :
Int. Filing Date: 09 December 2004 :
Priority Date Claimed: 09 December 2003 : DECISION
Attorney Docket No.: 03-061 :
For: PRODUCTS AND PROCESSES FOR ESTABLISHING MULTI-TRANSITION RELATIONSHIPS WITH CUSTOMERS OF VENDING MACHINES :

This is in response to applicant's "Response to Decision on Petition Under 37 CFR §1.47(a) to Request Acceptance of National Application Without Participation of One or More Inventors" filed 13 September 2007, which is being treated as a renewed petition under 37 CFR 1.497(d).

BACKGROUND

On 09 December 2004, applicant filed international application papers with the United States Receiving Office (RO/US). The submission was assigned the above-identified International Application Number and International Filing Date.

On 09 December 2004, applicant filed international application PCT/US2004/041561, which claimed priority of an earlier United States application filed 09 December 2003. The thirty-month period for paying the basic national fee in the United States expired on 09 June 2006.

On 02 June 2006, 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 16 February 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 March 2007, applicant filed an executed declaration.

On 17 April 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 12 March 2007 lists three inventors who are not listed in the published international application.

On 15 May 2007, applicant filed a petition under 37 CFR 1.497(d).

On 16 August 2007, this Office mailed a decision dismissing the 15 May 2007 petition.

On 13 September 2007, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

37 CFR 1.497(d) 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, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (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) 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); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Petitioner has previously satisfied items (1) and (2) above.

With regard to item (3) above, written consent of the assignee has been provided.

With regard to item (4) above, the declaration executed by joint inventor Sih Lee is improper. Specifically, the declaration fails to list Paul Breitenbach as an inventor as required by 37 CFR 1.497(a)(3).

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the 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.

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17 JAN 2008

WALKER DIGITAL, LLC
2 HIGH RIDGE PARK
STAMFORD, CT 06905

In re Application of BREITENBACH et al	:	
U.S. Application No.: 10/581,588	:	
PCT Application No.: PCT/US2004/041561	:	
Int. Filing Date: 09 December 2004	:	
Priority Date Claimed: 09 December 2003	:	DECISION
Attorney Docket No.: 03-061	:	
For: PRODUCTS AND PROCESSES FOR ESTABLISHING MULTI-TRANSITION RELATIONSHIPS WITH CUSTOMERS OF VENDING MACHINES	:	

This is in response to applicant's "Renewed Petition Under 37 CFR 1.497(d)" filed 04 January 2008.

BACKGROUND

On 09 December 2004, applicant filed international application papers with the United States Receiving Office (RO/US). The submission was assigned the above-identified International Application Number and International Filing Date.

On 09 December 2004, applicant filed international application PCT/US2004/041561, which claimed priority of an earlier United States application filed 09 December 2003. The thirty-month period for paying the basic national fee in the United States expired on 09 June 2006.

On 02 June 2006, 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 16 February 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 March 2007, applicant filed an executed declaration.

On 17 April 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 12 March 2007 lists three inventors who are not listed in the published international application.

On 15 May 2007, applicant filed a petition under 37 CFR 1.497(d).

On 16 August 2007, this Office mailed a decision dismissing the 15 May 2007 petition.

On 13 September 2007, applicant filed a renewed petition under 37 CFR 1.497(d).

On 25 October 2007, this Office mailed a decision dismissing the 13 September 2007 petition.

On 04 January 2007, applicant filed the present second renewed petition under 37 CFR 1.497(d).

DISCUSSION

37 CFR 1.497(d) 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, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (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) 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); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Petitioner has previously satisfied items (1), (2), and (3) above.

With regard to item (4) above, the requisite declarations have been provided.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 09 December 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 January 2008.

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

Bryan Lin

Bryan Lin
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PCT Legal Office

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JUN 15 2009

OFFICE OF PETITIONS

In re Application of :
Berry, et al. :
Application No. 10/581,613 : DECISION
Filed/Deposited: 19 February, 2007 :
Attorney Docket No. 85084-802 :

This is a decision on the petition filed on 16 April, 2009, under the provisions of 37 C.F.R. §1.137(b), seeking revival of the application as having been abandoned due to unintentional delay.

The petition as considered under 37 C.F.R. §1.137(b) is **GRANTED**.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

Petitioners attentions always are directed to the Commentary at MPEP §711.03(c) for guidance as to satisfying the requirements for relief under 37 C.F.R. §1.137.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Restriction Requirement mailed on 12 May, 2008, with reply due absent extension of time on or before 12 June, 2008.

The application went abandoned by operation of law after midnight 12 February, 2008.

The Office mailed the Notice of Abandonment on 4 December, 2008.

On 16 April, 2009, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, with a statement of unintentional delay and a reply in the form of an Election.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under 37 C.F.R. §1.137(b) have been satisfied.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 1648 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

United States Patent and Trademark Office

31 JUL 2006

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YOUNG & THOMPSON
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ARLINGTON VA 22202

In re Application of	:	
Bergeret	:	
Application No.: 10/581,616	:	DECISION
PCT No.: PCT/FR04/01745	:	
Int. Filing Date: 05 July 2004	:	ON
Earlier Priority Date: 04 July 2003	:	
Attorney Docket No.: 0549-1018	:	PETITION
For: Stiffened Flexible Baking Tin	:	

The petition to revive under 37 CFR 1.137(b) filed 05 June 2006 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states 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." This statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that counsel has filed the required reply in the form of the basic national fee, and has paid the petition 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.

This application is being forwarded to the United States Designated/Elected Office for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

George M. Dombroske
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30 JUN 2006

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Kilpatrick Stockton LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309

In re Application of :
FORREST et al. :
U.S. Application No. 10/581,622 : DECISION ON PETITION
PCT No.: PCT/US04/40629 :
It. Filing Date: 06 December 2004 :
Priority Date: 05 December 2003 :
Attorney Docket No.: 52993/326894 :
For: FREE-STANDING SILICON CARBIDE ARTICLES FORMED BY CHEMICAL VAPOR DEPOSITION AND METHODS FOR THEIR MANUFACTURE :

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 05 June 2006 to accept the application without the signature of joint-inventor, David Thomas Forrest.

BACKGROUND

On 06 December 2004, applicants filed international application PCT/US02/40629, which claimed priority of an earlier application filed 05 December 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 06 June 2006.

On 05 June 2006, 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 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, (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.

Regarding item (1), applicant has only provided payment of $130.00 for the petition fee. Applicants are advised that pursuant to 37 CFR 1.17(g) the petition fee is $200.00. As

authorized, the additional $70.00 due will be deducted from deposit account no.: 11-0855.

Regarding item (2) above, petitioner states that David Thomas Forrest has refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the application papers (specification, claims, drawings, and oath/declaration) to David Thomas Forrest. Petitioner states that numerous attempts have been to obtain the signature of the nonsigning inventor. However, no documentary evidence to support the refusal or the attempt has been provided with Mr. Gray's Statement of Fact under 37 CFR 1.47(a).

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, drawings, and oath/declaration) were sent to David Thomas Forrest, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

For the reasons stated above, it would not be appropriate to accept the application without the signature of David Thomas Forrest under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

Anthony Smith
Attorney-Advisor
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UNITED STATES PATENT AND TRADEMARK OFFICE

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19 JUL 2006

Kilpatrick Stockton LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309

In re Application of :
FORREST et al. :
U.S. Application No. 10/581,622 : DECISION ON PETITION
PCT No.: PCT/US04/40629 :
It. Filing Date: 06 December 2004 :
Priority Date: 05 December 2003 :
Attorney Docket No.: 52993/326894 :
For: FREE-STANDING SILICON CARBIDE ARTICLES FORMED BY CHEMICAL VAPOR DEPOSITION AND METHODS FOR THEIR MANUFACTURE :

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 13 July 2006 to accept the application without the signature of joint-inventor, David Thomas Forrest.

BACKGROUND

On 06 December 2004, applicants filed international application PCT/US02/40629, which claimed priority of an earlier application filed 05 December 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 06 June 2006.

On 05 June 2006, 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 under 37 CFR 1.47(a). In a decision dated 30 June 2006, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 13 July 2006, applicants filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

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

A review of the papers filed 05 June 2006 and 13 July 2006 reveals that petitioner has paid the requisite petition fee, provided sufficient proof that the non-signing inventor (David Thomas Forrest) refused to sign, stated the last known address of the non-signing inventor (David Thomas Forrest), and provided an acceptable declaration. Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied.

CONCLUSION

For the reasons above, applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 06 December 2004 under 35 U.S.C. 363, and will be given a date of 05 June 2006 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.

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19 JUL 2006

David Thomas Forrest
Lower Walson
Skenfrith
Monmouthshire NP7 8UF
United Kingdom

In re Application of
FORREST et al.
U.S. Application No. 10/581,622
PCT No.: PCT/US04/40629
It. Filing Date: 06 December 2004
Priority Date: 05 December 2003
Attorney Docket No.: 52993/326894
For: FREE-STANDING SILICON CARBIDE ARTICLES FORMED BY CHEMICAL VAPOR DEPOSITION AND METHODS FOR THEIR MANUFACTURE

Dear David Thomas Forrest:

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
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Counsel of Record:
Kilpatrick Stockton LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309

28 JUN 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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PHARMACIA CORPORATION
GLOBAL PATENT DEPARTMENT
POST OFFICE BOX 1027
ST. LOUIS, MO 63006

In re Application of HOUZEGO	:	
U.S. Application No.: 10/581,668	:	
PCT Application No.: PCT/GB04/03380	:	
Int. Filing Date: 04 August 2004	:	DECISION
Priority Date Claimed: 06 August 2003	:	
Attorney Docket No.: PC32750	:	
For: METHOD AND APPARATUS FOR FILLING A CONTAINER	:	

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 05 June 2006.

BACKGROUND

On 04 August 2004, applicant filed international application PCT/GB04/03380, which claimed priority of an earlier United Kingdom application filed 06 August 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 17 February 2005. The thirty-month period for paying the basic national fee in the United States expired on 06 February 2006.

International application PCT/GB04/03380 became abandoned as to the United States for failure to timely pay the basic national fee.

On 05 June 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

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

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

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

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

CONCLUSION

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

This application is being forwarded to the 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: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,688	06/06/2006	Reinhold Schwalm	291252US0PCT	7404

7590 01/14/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
LIPMAN, BERNARD	

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
01/14/2009	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.

Tomi Farmer

Patent Publication Branch
Office of Data Management

27 AUG 2008

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KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

In re Application of:
OHANESIAN, Harout
U.S. Application No.: 10/581,694
PCT No.: PCT/IB2004/004327
International Filing Date: 06 December 2004
Priority Date: 06 December 2003
Atty Docket No.: 2088-120
For: IMPROVEMENTS IN AND RELATING TO ELECTRICAL POWER, COMMUNICATION AND DATA CABLE MANAGEMENT SYSTEMS

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 19 March 2007 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 06 June 2006 based on applicants' failure to pay the basic national fee prior to the expiration of thirty months from the priority date.[1]

The present petition for revival was accompanied by payment of the small entity petition fee and the "required reply" in the form of payment of the basic national fee. In addition, the petition includes a 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," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that, on 23 April 2008, applicant submitted herein 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 29 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" indicating that applicant had satisfied the requirements of 35 U.S.C. 371(c) as of 23 April 2008. On the same date, a filing receipt was issued indicating that the date under 35 U.S.C. 371(c) was 23 April 2008.

[1] Applicant filed materials to initiate the present national stage application on 06 June 2006; however, the materials did not include the required fee payment.

This application is being referred to the appropriate Group Art Unit for further processing in accordance with this decision.

Richard M. Ross
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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

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SEP 22 2009

OFFICE OF PETITIONS

In re Application of :
Christian Gschwend :
Application No. 10/581,697 : ON PETITION
Filed: April 18, 2007 :
Attorney Docket No. 3701-RHP.PT :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 3, 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 November 26, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. A Notice of Abandonment was mailed July 6, 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), including the fee of $405, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center AU 3632 for processing of the RCE and for appropriate action by the Examiner in the normal course of business in accordance with 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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EUGENE H. EICKHOLT
1119 CAROLINE STREET
FREDERICKSBURG, VA 22401

COPY MAILED

MAY 19 2008

OFFICE OF PETITIONS

In re Application of :
Ronnie B. Acors :
Application No. 10/581,700 : DECISION ON PETITION
Filed: June 6, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 17, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition does not include a statement by applicant's attorney that he is in possession of evidence of applicant's age.

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 undersigned at 571-272-1642.

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 1793 for action in its regular turn.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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EUGENE H. EICKHOLT
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SEP 26 2008

In re Application of	:	
Ronnie B. Acors	:	
Application No. 10/581,700	:	DECISION ON PETITION
Filed: June 6, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed July 11, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant.. No fee is required

The instant petition includes a copy of applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

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

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 Office of Patent Application Processing for processing. This application will be accorded "special" status once pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

12 FEB 2007

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Robert M. Gamson
Armstrong, Kratz, Quintos, Hanson & Brooks, LLP
Intellectual Property Law Offices
502 Washington Avenue, Suite 220
Towson, MD 21204

In re Application of :
DAVIDSON, et al. :
Application No.: 10/581,707 :
PCT No.: PCT/EP04/13918 : DECISION ON PAPERS
Int. Filing Date: 06 December 2004 :
Priority Date: 07 December 2003 : UNDER 37 CFR 1.42
Attorney Docket No.: 06127-PCT-PA :
For: HEAT TRANSFER FLUIDS FOR LOW TEMPERATURE APPLICATION COMPRISING AROMATIC HYDROCARBONS :

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The combined declaration and power of attorney filed 05 June 2006 is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 06 December 2004, applicant filed international application PCT/EP04/13918, which claimed priority to an earlier application filed 07 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 June 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 07 June 2006.

On 05 June 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application as filed and an executed declaration and power of attorney.

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 05 June 2006 was executed by Dawn King Davidson as heiress of the estate of deceased inventor, David Lee Davidson. However, the filed declaration does not satisfy the requirements under 37 CFR 1.497(b). Specifically, the oath or declaration must provide the citizenship, residence, and mailing address of both the deceased inventor and the signing heiress. The present declaration only provides one set of information. In addition, in order to proceed with national stage processing a signed statement is required from either counsel or Dawn King Davidson stating that she is the sole heir to the estate and that a legal representative has not been appointed nor is statutorily required to be appointed.

CONCLUSION

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

Applicant is 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). 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
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1 1 JAN 2008

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Armstrong, Kratz, Quintos, Hanson & Brooks
Intellectual Property Law Offices
502 Washington Avenue
Suite 220
Towson MD 21204

In re Application of	:	
DAVIDSON, et al.	:	
Application No.: 10/581,707	:	
PCT No.: PCT/EP04/13918	:	DECISION ON RENEWED
Int. Filing Date: 06 December 2004	:	
Priority Date: 07 December 2003	:	REQUEST FOR STATUS
Attorney Docket No.: 06127-PCT-PA	:	
For: HEAT TRANSFER FLUIDS FOR LOW TEMPERATURE APPLICATION COMPRISING AROMATIC HYDROCARBONS	:	UNDER 37 CFR 1.42

This decision is in response to applicant's renewed petition under 37 CFR 1.42 filed 29 March 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 12 February 2007, applicant was mailed a decision dismissing applicant's request for status under 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration.

On 29 March 2007, applicant filed the present renewed 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."

The declaration submitted on 29 March 2007 is executed by Dawn King Davidson as heiress of the estate of deceased inventor, David Lee Davidson and provides the citizenship, residence, and mailing address of both the deceased inventor and the signing heiress. In addition, the heiress has provided a statement that she is the sole heir to the estate of the deceased. As such, it is proper 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 has an international application filing date of 06 December 2004 and will be given a date of **29 March 2007** 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
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JUL 19 2010

OFFICE OF PETITIONS

In re Application of :
Hye-Jin Lee :
Application No. 10/581,715 : DECISION ON PETITION
Filed: June 28, 2006 :
Attorney Docket No. 2093-06 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 3, 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) was obtained. Accordingly, the date of abandonment of this application is March 4, 2010.

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.

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.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

This application is being referred to Technology Center AU 1784 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.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: James E. Bame
3580 Wilshire Blvd. 17th Floor
Los Angeles, CA 90010

2 1 APR 2009

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INTEL/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of YEUNG et al. Application No.: 10/581,753 PCT No.: PCT/CN05/00922 Int. Filing Date: 24 June 2005 Priority Date: None Attorney Docket No.: 42P22003 For: MEASUREMENT AND PRESENTATION OF SPOKEN LANGUAGE FLUENCY	DECISION ON RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

This is a decision on applicant's Response to the Notification of Missing Requirements filed in the United States Patent and Trademark Office on 20 February 2009. Applicant's request for a two month extension of time is granted.

BACKGROUND

On 05 June 2006, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee and executed declaration.

On 21 October 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required. The notification specifically stated that the declaration was not executed by the second named inventor.

On 20 February 2009, applicant responded to the Notification with a newly executed declaration along with a request for a two month extension of time.

DISCUSSION

A review of the application file reveals that the given name of the applicant as listed on the published international application is "Robert Du." The declaration, filed on 05 June 2006, was signed by "Ping Du".[1] The executed declaration was not in compliance with 37 CFR 1.497(a) and (b) as the declaration did not name the inventive entity identified in the published international

[1] It does not appear that applicant filed a request under PCT Rule 92*bis* to change the name of the inventor as no Notification of the Recording of a Change (Form PCT/IB/306) has been submitted which indicates that the name change was accepted.

application. Thus, the declaration did not satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

On 20 February 2009, applicant filed a newly executed declaration by Robert Du, Lingfei Song, Nan N. Li and Minerva Yeung. The declaration satisfies the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

CONCLUSION

For the reasons, set forth above, the declaration of inventors submitted by applicants on 20 February 2009 is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

The application is being 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 20 February 2009.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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MAILED Paper No.

MAY 25 2010

OFFICE OF PETITIONS

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of	:	
Morrow et al.	:	
Application No. 10/581,759	:	DECISION ON PETITION
Filed: July 26, 2007	:	PURSUANT TO
Attorney Docket No.: 50051-002US1	:	37 C.F.R. § 1.28(c)
Title: OLIGOSACCHARIDE COMPOSITIONS AND USE THEREOF IN THE TREATMENT OF INFECTION	:	

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on February 22, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 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 C.F.R. § 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.

Petitioner has identified the particular type of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, the small entity fees that were actually paid, the deficiency owed amounts, and the total deficiency payment owed.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

The deficiency payment of $2616 is acknowledged.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The Technology Center will be notified of this decision.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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06 MAY 2008

WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER, P.O. BOX 1832
NEW HAVEN CT 06508-1832

In re Application of	:	DECISION ON
HELLSTROM et al	:	
Application No. 10/581,761	:	
PCT No.: PCT/SE2004/001814	:	
Int. Filing Date: 06 December 2004	:	
Priority Date: 05 December 2003	:	PETITION UNDER
Attorney's Docket No.: 0208/76419-PCT-US	:	
For: METHOD OF USE...	:	
METHOD OF USE THEREOF	:	37 CFR 1.137 (b)

This decision is in response to applicant's' "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS FILED WITH A PETITION UNDER 37 CFR 1.137(b)," filed on 10 April 2008.

BACKGROUND

On 06 December 2004, this international application was filed, which claimed priority to an application filed on 05 December 2003. 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 June 2006.

On 05 June 2006, applicants filed a Transmittal letter for entry into the national stage in the United States Patent and Trademark Office (USPTO), which was accompanied by, the basic national fee. No executed declaration or oath was filed at such time.

On 13 February 2007, 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 and that a copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e)." The Notice stated that the above items must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond, and that failure to properly respond would result in abandonment.

On 08 February 2008, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) because applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 02/13/2007 within the time period set therein.

On 10 April 2008, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee, an executed declaration and a copy of the sequence listing in computer-readable form (CRF).

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 a properly executed declaration, but the copy of the sequence listing in computer-readable form is flawed (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 items (2) - (4) but not item (1) under 37 CFR 1.137(b). As such, the application remains abandoned.

DECISION

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.137(b) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Failure to timely submit the proper reply will result in abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." 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
Telephone: (571) 272-3276
Facsimile : (571) 273-0459

Enc: Error report on flawed CRF

==========

Sequence Listing could not be accepted due to errors.
See attached Validation Report.
If you need help call the Patent Electronic Business Center at (866) 217-9197 (toll free).
Reviewer: Anne Corrigan
Timestamp: [year=2008; month=4; day=30; hr=20; min=16; sec=49; ms=897;]

==========

****

Reviewer Comments:

SEQUENCE LISTING

<110> Hellström, Mats
Wallgard, Elisabet
Kalén, Mattias

Please remove the foreign accent marks in the first and third applicant's names; foreign accent marks are non-ACII characters, which cannot be processed.

<120> ANGIOGENESIS-AFFECTING POLYPEPTIDES, PROTEINS, AND COMPOSITIONS, AND METHODS OF USE THEREOF

The above <120> response exceeds the Sequence Rules' required 72-character line limit: please adjust the line, by inserting hard returns.

(from the end of Sequence 52)

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1

Please remove the "1" above, which appears at the end of the submitted file.

Validated By CRFValidator v 1.0.3

Application No: 10581761 Version No: 1.0

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Output Set:

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Finished: 2008-04-15 14:50:00.843
Elapsed: 0 hr(s) 0 min(s) 2 sec(s) 858 ms
Total Warnings: 30
Total Errors: 2
No. of SeqIDs Defined: 52
Actual SeqID Count: 52

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W 402	Undefined organism found in <213> in SEQ ID (11)
W 402	Undefined organism found in <213> in SEQ ID (12)
W 402	Undefined organism found in <213> in SEQ ID (13)
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W 402	Undefined organism found in <213> in SEQ ID (34)

Input Set:

Output Set:

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Finished: 2008-04-15 14:50:00.843
Elapsed: 0 hr(s) 0 min(s) 2 sec(s) 858 ms
Total Warnings: 30
Total Errors: 2
No. of SeqIDs Defined: 52
Actual SeqID Count: 52

Error code	Error Description
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Tyr Asn Tyr Val Phe Gly Phe Tyr Lys Arg His His Gly Pro Ala Arg
85 90 95

Phe Arg Ala Glu Pro Gln Leu Gln Lys Leu Leu Val Ser Ile Thr Leu
100 105 110

Glu Ser Glu Cys Glu Ser Phe Pro Ser Leu Ser Ser Asp Glu Thr Tyr
115 120 125

Ser Leu Leu Val Gln Glu Pro Val Ala Val Leu Lys Ala Asn Ser Val
130 135 140

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Trp Gly Ala Leu Arg Gly Leu Glu Thr Phe Ser Gln Leu Val Tyr Gln
145                 150                 155                 160

Asp Ser Phe Gly Thr Phe Thr Ile Asn Glu Ser Ser Ile Ala Asp Ser
                165                 170                 175

Pro Arg Phe Pro His Arg Gly Ile Leu Ile Asp Thr Ser Arg His Phe
            180                 185                 190

Leu Pro Val Lys Thr Ile Leu Lys Thr Leu Asp Ala Met Ala Phe Asn
        195                 200                 205

Lys Phe Asn Val Leu His Trp His Ile Val Asp Asp Gln Ser Phe Pro
    210                 215                 220

Tyr Gln Ser Thr Thr Phe Pro Glu Leu Ser Asn Lys Gly Ser Tyr Ser
225                 230                 235                 240

Leu Ser His Val Tyr Thr Pro Asn Asp Val Arg Met Val Leu Glu Tyr
                245                 250                 255

Ala Arg Leu Arg Gly Ile Arg Val Ile Pro Glu Phe Asp Thr Pro Gly
            260                 265                 270

His Thr Gln Ser Trp Gly Lys Gly Gln Lys Asn Leu Leu Thr Pro Cys
        275                 280                 285

Tyr Asn Gln Lys Thr Lys Thr Gln Val Phe Gly Pro Val Asp Pro Thr
    290                 295                 300

Val Asn Thr Thr Tyr Ala Phe Phe Asn Thr Phe Phe Lys Glu Ile Ser
305                 310                 315                 320

Ser Val Phe Pro Asp Gln Phe Ile His Leu Gly Gly Asp Glu Val Glu
                325                 330                 335

Phe Gln Cys Trp Ala Ser Asn Pro Asn Ile Gln Gly Phe Met Lys Arg
            340                 345                 350

Lys Gly Phe Gly Ser Asp Phe Arg Arg Leu Glu Ser Phe Tyr Ile Lys
        355                 360                 365
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Lys Ile Leu Glu Ile Ile Ser Ser Leu Lys Lys Asn Ser Ile Val Trp
    370                 375                 380

Gln Glu Val Phe Asp Asp Lys Val Glu Leu Gln Pro Gly Thr Val Val
385                 390                 395                 400

Glu Val Trp Lys Ser Glu His Tyr Ser Tyr Glu Leu Lys Gln Val Thr
                405                 410                 415

Gly Ser Gly Phe Pro Ala Ile Leu Ser Ala Pro Trp Tyr Leu Asp Leu
            420                 425                 430

Ile Ser Tyr Gly Gln Asp Trp Lys Asn Tyr Tyr Lys Val Glu Pro Leu
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23 JUL 2008

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WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER, P.O. BOX 1832
NEW HAVEN CT 06508-1832

In re Application of	:	DECISION ON RENEWED
HELLSTROM et al	:	
Application No. 10/581,761	:	
PCT No.: PCT/SE2004/001814	:	
Int. Filing Date: 06 December 2004	:	
Priority Date: 05 December 2003	:	PETITION UNDER
Attorney's Docket No.: 0208/76419-PCT-US	:	
For: METHOD OF USE...	:	
METHOD OF USE THEREOF	:	37 CFR 1.137 (b)

This decision is in response to applicants' "Renewed Petition Under 37 CFR 1.137(b)," filed on 02 June 2008.

BACKGROUND

In a decision from this Office on 06 May 2008, the petition filed on 10 April 2008 was dismissed because the reply was not proper since the computer readable form of the Sequence Listing was flawed.

On 02 June 2008, petitioners filed a paper and another computer readable form of the Sequence Listing for this 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.

Petitioner has provided: (1) the proper reply by submitting a proper computer readable Sequence Listing, (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 **10 April 2008**.

Rafael Bacares
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20 OCT 2006
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Charles I. Sherman
MIDDLETON RAUTLINGER
2500 Brown & Williamson Tower
Louisville, Kentucky 40202

In re Application of:	:	
DA SILVA RODRIGUES, et al.	:	DECISION
U.S. Application No.: 10/581,774	:	
PCT No.: PCT/IB2004/004350	:	
Int'l Filing Date: 10 December 2004	:	
Priority Date: 11 December 2003	:	
Attorney's Docket No.: SC3	:	
For: SMOKING ARTICLE	:	

This decision is issued in response to the declaration filed herein by applicants and the "Notice Of Death Of Joint Inventor Under MPEP 409" filed 29 August 2006. No petition fee is required.

BACKGROUND

On 10 December 2004, applicants filed international application PCT/IB2004/004350. The application claimed a priority date of 10 December 2004, and it designated the United States. On 30 June 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 11 June 2006.

On 06 June 2006, 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 and a copy of a PCT Rule 4.17(iv) declaration filed in the international application and executed by both of the inventors herein.

On 29 August 2006, applicants filed additional materials, including a "Notice Of Death Of Joint Inventor Under MPEP 409" indicating that inventor Antonio Augusto DA SILVA RODRIGUES was now deceased.

DISCUSSION

The PCT Rule 4.17(iv) declaration document filed by applicants during the international phase was not submitted at the same time as the international application. Accordingly, as set forth on the face of the declaration (and in the instructions thereto), the declaration was required to identify the international application number. The declaration executed by the two inventors and filed in the international application did not, however, include the required international

application number. The declaration therefore fails to properly identify the application to which it was directed and cannot be accepted herein in satisfaction of the requirements of 37 CFR 1.497.

It is noted that applicants included with the national stage materials filed 06 June 2006 a copy of the PCT Rule 4.17(iv) declaration that lists the international application number. However, a comparison of this declaration with that filed in the international phases reveals that the international application number has simply been added to the already-executed declaration. The declaration filed on 06 June 2006 therefore includes an impermissible post-execution modification, and is thus unacceptable (see MPEP section 602.01).

Based on the above, applicants have not yet filed an acceptable declaration in compliance with 37 CFR 1.497. A Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration, as well as the surcharge for filing the oath or declaration later than thirty months after the priority date, will be issued herein.

Because one of the applicants is now deceased, any declaration filed herein must be executed by the surviving inventor and on behalf of the deceased inventor in compliance with 37 CFR 1.42 and 1.497(b)(2).

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.

Pursuant to MPEP section 409.01(a), application may be made by the heirs of the inventor, as such, if there is no will or the will did not appoint an executor and the estate was under the sum required by state law for the appointment of an administrator.

37 CFR 1.497(b)(2) states:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), a declaration submitted under 37 CFR 1.42 must provide the name, citizenship, residence and mailing address of the legal representative, as well as the name and citizenship of the deceased inventor. The declaration must also satisfy all other requirements of 37 CFR 1.497 (for example, the declaration must name all of the inventors herein).

CONCLUSION

The declaration filed in the international phase, and the modified version of this declaration filed herein on 06 June 2006, are **REJECTED** for failure to comply with the instructions for declarations filed under PCT Rule 4.17(iv) and the requirements of 37 CFR 1.497.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of a properly executed oath or declaration (submitted in accordance with 37 CFR 1.42 with respect to the deceased inventor), as well as the surcharge for filing the oath or declaration later than thirty months after the priority date

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UNITED STATES PATENT AND TRADEMARK OFFICE

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0 5 OCT 2007

MIDDLETON RAUTLINGER
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In re Application of:
DA SILVA RODRIGUES, et al.
U.S. Application No.: 10/581,774
PCT No.: PCT/IB2004/004350
Int'l Filing Date: 10 December 2004
Priority Date: 11 December 2003
Attorney's Docket No.: SC3
For: SMOKING ARTICLE

DECISION ON SUBMISSION
UNDER 37 CFR 1.42

This decision is issued in response to applicant's "Response To Notification Of Missing Requirements Under 35 U.S.C. 371" filed 14 March 2007, treated in part herein as a request for status under 37 CFR 1.42. No petition fee is required.

BACKGROUND

In a decision mailed by this Office on 20 October 2006, the PCT Rule 4.17(iv) declaration filed by applicants was rejected as failing to comply with the instructions for such declarations and the requirements of 37 CFR 1.497. The decision also noted that, since one of the inventors was deceased, any subsequently submitted declaration would need to comply with the requirements of 37 CFR 1.42 and 1.497(b)(2).

On 17 November 2006, the United States Designated/Elected Office (DO/EO/US) mailed 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 oath or declaration later than thirty months after the priority date.

On 14 March 2007, applicants filed the "Response To Notification Of Missing Requirements Under 35 U.S.C. 371" considered herein.[1] The response included payment of the required surcharge and a revised declaration executed by the surviving inventor and on behalf of the deceased inventor, Antonio Augusto da Salva Rodrigues, by his legal representative, Nadia Maria de Almeida Rodrigues. This declaration is considered herein under 37 CFR 1.42 and 37 CFR 1.497.

DISCUSSION

The previous decision set forth the requirements for compliance with 37 CFR 1.42 and 37 CFR 1.497(b)(2).

[1] Applicants' response was supplemented on 15 March 2007 with payment of the two-month extension fee required for the 14 March 2007 submission to be treated as a timely response to the Form PCT/DO/EO/905.

The declaration filed herein on 14 March 2007 complies with such requirements in that it is executed by the surviving inventor and on behalf of the deceased inventor by a person specifically identified as the legal representative and wife of the deceased inventor, and it includes the required citizenship, residence, and mailing address information for the legal representative, the citizenship of the deceased inventor, and all other information required under 37 CFR 1.497(a) and (b).

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Antonio Augusto da Salva Rodrigues is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 14 March 2007.

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UNITED STATES DEPARTMENT OF COMMERCE
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IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant	: Luis Miguel Ortega Mora	: DECISION ON REQUEST FOR
Patent Number	: 7579438	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/581,810	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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17 JUN 2009

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Frishauf, Holtz,
Goodman & Chick, PC
220 Fifth Avenue
16th Floor
New York NY 10001-7708

In re Application of:
Syuji ICHIMURA et al.
Application No.: 10/581,831
PCT Application No.: PCT/JP2006/300460
Int. Filing Date: 16 January 2006
Priority Date: 14 January 2005
Atty Docket No.: 06061/HG
For: Surface Protective Sheet

DECISION

This is in response to applicant's "Submission of Corrected Translation" filed 06 April 2009.

BACKGROUND

On 16 January 2006, applicants filed international application PCT/JP2006/300460. The international application claims a priority date of 14 January 2005 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date that is 14 July 2007.

On 05 June 2006, applicants 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) and a purported English translation of the international application required by 35 U.S.C. 371(c)(2).

On 13 August 2008, the DO/EO/US mailed a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to applicant indicating the date of this application under 35 U.S.C. 371(c)(1), (2) and (4) to be 05 June 2006.

On 06 April 2009, applicant filed the present "Submission of Corrected Translation."

DISCUSSION

35 U.S.C. 37(c)(2) requires an English translation of the international application if it was filed in another language.

In a paper filed on 06 April 2009, applicant has stated that the purported translation filed on 05 June 2006 had errors. On 06 April 2009, applicant submitted a corrected English translation of the international application. Accordingly, the applicant has not submitted the required English translation until 06 April 2009. Therefore the date of this application under 35 U.S.C 371(c)(1), (2) and (4) is 06 April 2009.

CONCLUSION

The Notice of Acceptance (Form PCT/DO/EO/903) mail on 05 June 2006 is VACATED.

A new Notice of Acceptance (Form PCT/DO/EO/903) will be mailed.

Processing fee of $130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)) will be charged. The application is being forwarded to the United Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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PCT Legal Examiner
PCT Legal Administration

Peng Ke
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22 JUL 2008

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In re Application of :
WANG *et al* :
U.S. Application No.: 10/581,845 :
PCT No.: PCT/CA04/02082 :
Int. Filing Date: 06 December 2004 : **DECISION**
Priority Date: 04 December 2003 :
Attorney Docket No.: HMI P1191US1 :
For: SYSTEM AND METHOD PROVIDING :
ENHANCED FEATURES FOR :
STREAMING VIDEO-ON-DEMAND :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 30 April 2008.

BACKGROUND

On 03 October 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 30 April 2008, applicants filed a response which was accompanied by, *inter alia*, the subject petition, a declaration signed by two of five named inventors; a statement of Cecelia Lu; exhibits 1 - 4; a copy of a petition and decision in U.S. Application No. 10/727,857; and the required fees.

DISCUSSION

Applicants claim that three of the five named inventors, Meng Wang, Jian Wang and Ying Luo, cannot be located after a diligent effort and have filed the subject petition in response to the Form PCT/DO/EO/905 mailed 03 October 2007.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventors cannot be located or refuse to cooperate; (3) a statement of the last known addresses of the nonsigning joint inventors; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventors. Items (2) and (4) are not yet satisfied.

The petition fee of $200.00 has been paid. The last known addresses of Meng Wang, Jian Wang and Ying Luo were provided in the petition. Items (1) and (3) of 37 CFR 1.47(a) are satisfied.

Regarding item (2), applicants' burden in showing that an inventor cannot be reached is explained in section 409.03(d)(I) 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 statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions . . .

In this case, petitioners have submitted a declaration by Cecelia Lu who states that she attempted to contact Meng Wang by courier at his last known address, and Jian Wang and Ying Lao by registered mail. Ying Lao was also tried to be reached by email. None of these attempts were successful. Petitioners also provided documentary evidence as required.

The 37 CFR 1.47(a) applicants also explained that the present application claims priority to U.S. Application No. 10/727,857 which had a 37 CFR 1.47 petition granted with regards to two of the nonsigning inventors, Meng Wang and Jian Wang. A copy of this petition and decision were provided.

This is not sufficient to meet the requirements of section 409.03(d)(I) of the MPEP.

With regards to Meng Wang and Jian Wang, petitioners included a copy of a prior petition in which extensive efforts to reach each of the two inventors was deemed unsuccessful. However, these efforts ended over four years ago, in February 2004. It is also noted that the last known addresses of each inventor listed in U.S. Application No. 10/727,857 are different than the addresses given for Meng Wang and Jian Wang in the subject petition. Petitioners have not explained how this occurred. Petitioners must attempt to locate Meng Wang and Jian Wang again.

In addition, there is no evidence that petitioners conducted any search for Ying Luo. Petitioners did attempt to contact Mr. Luo by email, but did not explain how they obtained this email address and why they expected to receive a response. Petitioners must provide a more detailed statement of facts in their renewed petition.

Petitioners must conduct a new search for each of the inventors. Petitioners must also provide a statement of facts by a person having firsthand knowledge, that fully describes the exact facts which are relied on to establish that a diligent effort to locate each inventor was made. Petitioners must also provide copies of documentary evidence to corroborate the facts listed, such as cover letters, internet searches and postal receipts.

For these reasons, item (2) is not yet satisfied.

Concerning item (4), the 37 CFR 1.47(a) applicants submitted a declaration signed by two of the five named co-inventors on behalf of themselves and the nonsigning joint inventor.

However, it appears that petitioners submitted one complete declaration and a portion of another declaration. The declaration submitted is a 3-page declaration consisting of 4 pages (two page 3's). 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. By providing only a partial declaration, it is not clear what inventive entity was listed on the declaration signed by each co-inventor.

For this reason, item (4) of 37 CFR 1.47(a) is also not satisfied.

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 may be filed electronically via the USPTO EFS-Web or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT

Legal Administration.

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20 NOV 2008

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In re Application of :
WANG *et al* :
U.S. Application No.: 10/581,845 :
PCT No.: PCT/CA04/02082 :
Int. Filing Date: 06 December 2004 : **DECISION**
Priority Date: 04 December 2003 :
Attorney Docket No.: HMI P1191US1 :
For: SYSTEM AND METHOD PROVIDING :
ENHANCED FEATURES FOR :
STREAMING VIDEO-ON-DEMAND :

This decision is in response to the papers filed 22 September 2008 which is treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 22 July 2008, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 22 September 2008, applicants filed the renewed petition which was accompanied by, *inter alia*, a declaration executed by two of the five named inventors, a statement of Nick Ringma and Cecilia Lu, and Exhibits A - T.

DISCUSSION

Applicants claim that three of the five named inventors, Meng Wang, Jian Wang and Ying Luo, cannot be located.

As previously noted, a petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor(s) cannot be located or refuse to cooperate; (3) a statement of the last known address(es) of the nonsigning joint inventor(s); (4) and an oath or declaration executed by the signing joint inventor(s) on their behalf and on behalf of the nonsigning joint inventor(s). Item (2) and (4) were not satisfied in the initial petition.

Regarding item (2), petitioners submitted a declaration by Nick Ringma and Cecilia Lu setting forth the facts of their attempts to contact Meng Wang, Jian Wang and Ying Luo. Petitioners also provided documentary evidence as required.

A review of the evidence indicates that petitioners have provided ample evidence showing that a diligent effort was made to locate all three nonsigning inventors. Petitioners detailed their efforts and provided documentary evidence of their searches. This evidence along with the previously filed evidence in the original petition is sufficient to satisfy item (2) of 37 CFR 1.47(a).

Concerning item (4), petitioners included a declaration signed by two of the five joint inventors listed on the international publication. All required information including the nonsigning co-inventors' names, residences, post office addresses and citizenship are typed on the declaration. The declaration is in compliance with 37 CFR 1.497(a) and (b). Item (4) of 37 CFR 1.47(a) is now satisfied.

All items of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 06 December 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 22 September 2008.

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.

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20 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
WANG *et al*
U.S. Application No.: 10/581,845
PCT No.: PCT/CA04/02082
Int. Filing Date: 06 December 2004
Priority Date: 04 December 2003
Attorney Docket No.: HMI P1191US1
For: SYSTEM AND METHOD PROVIDING ENHANCED FEATURES FOR STREAMING VIDEO-ON-DEMAND

Mr. Luo:

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.

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Jian Wang
104-7495
Sandborne Avenue
Burnaby, British Columbia
V3W 4V4, Canada

In re Application of
WANG *et al*
U.S. Application No.: 10/581,845
PCT No.: PCT/CA04/02082
Int. Filing Date: 06 December 2004
Priority Date: 04 December 2003
Attorney Docket No.: HMI P1191US1
For: SYSTEM AND METHOD PROVIDING ENHANCED FEATURES FOR STREAMING VIDEO-ON-DEMAND

Mr. Wang:

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.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
One Lincoln Street
Boston, MA 02111-2950

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Meng Wang
3027 Laurel Street
Vancouver, British Columbia
V5Z 3T6, Canada

In re Application of
WANG *et al*
U.S. Application No.: 10/581,845
PCT No.: PCT/CA04/02082
Int. Filing Date: 06 December 2004
Priority Date: 04 December 2003
Attorney Docket No.: HMI P1191US1
For: SYSTEM AND METHOD PROVIDING ENHANCED FEATURES FOR STREAMING VIDEO-ON-DEMAND

Mr. Wang:

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.

James Thomson
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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 05/12/2010

Applicant	: Thomas Nietsch	: DECISION ON REQUEST FOR
Patent Number	: 7659020	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/581,869	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **697** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

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JUN 2 8 2010

OFFICE OF PETITIONS

In re Application of :
Daniel KOPF, et *al.* :
Application No. 10/581,893 : DECISION GRANTING PETITION
Filed: September 29, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **120391** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 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 May 14, 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) 272-7253.

This application is being referred to Technology Center AU 2828 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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

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Demont & Breyer, LLC
100 Commons Way, Suite 250
Holmdel, NJ 07733

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SEP 2 4 2008

OFFICE OF PETITIONS

In re Application of :
Marcel Andre, et al. :
Application No. 10/581,895 : DECISION ON PETITION
Filed: March 14, 2007 : TO WITHDRAW
Attorney Docket No. 9771-04US : 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 25, 2008.

The request is **APPROVED**.

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

The request was signed by Jason Paul DeMont 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.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Marcel Andre**
276 Rue d'Artois
Moissy Cramayel, 77550
France

cc: **Molex Incorporated**
2222 Wellington Court
Lisle, IL 60532

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/581,895	03/14/2007	Marcel Andre	9771-004US

CONFIRMATION NO. 1607

22897
DEMONT & BREYER, LLC
100 COMMONS WAY, Ste. 250
HOLMDEL, NJ 07733

POWER OF ATTORNEY NOTICE

OC00000032236241

Date Mailed: 09/23/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/25/2008.

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

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Kyoko Inagaki	: DECISION ON REQUEST FOR
Patent Number	: 7638203	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/581,902	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **478** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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07 JUL 2006

CONNOLLY BOVE LODGE & HUTZ LLP
SUITE 800
1990 M STREET NW
WASHINGTON DC 20036-3425

In re Application of :
MELLADO :
Serial No.: 10/581,903 : DECISION ON
PCT App. No.: PCT/ES04/00188 :
Int'l Filing Date: 30 April 2004 : PETITION UNDER
Priority Date: 30 April 2003 :
Attorney Docket No.: 21910-00016-US2 : 37 CFR 1.137(b)
For: PREVENTION OF HIV-1 INFECTION BY: INHIBITION OF RHO-MEDIATED REORGANIZATION.....

The petition to revive under 37 CFR 1.137(b) filed 07 June 2006 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 requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $300 has been provided. The required petition fee of $1500 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 (Form/DO/EO/905 and Form DO/EO/920). The $130 surcharge for filing the declaration after the thirty month period and the $130 processing fee for filing the English translation of the international application after the thirty month period will be charged to applicant's deposit account. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 07 June 2006.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

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

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OCT 10 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

In re Application of
TOMA, TADAMASA
Application No. 10/581,910
Filed: June 07, 2006
Attorney Docket No. 2006_0843A

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 21, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,914	06/07/2006	Kazunori Kataoka	2006_0888A	9215

513 7590 07/26/2010

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER	
DICKINSON, PAUL W	

ART UNIT	PAPER NUMBER
1618	

NOTIFICATION DATE	DELIVERY MODE
07/26/2010	ELECTRONIC

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

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

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

ddalecki@wenderoth.com
eoa@wenderoth.com

Best Available Copy

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

JUL 2 6 2010

In re Application of	:	
KATAOKA, KAZUNORI	:	DECISION ON REQUEST TO
Application No. 10/581,914	:	PARTICIPATE IN PATENT
Filed: June 7, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 2006_0888A	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 04, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the office actions just prior to the "Decision to Grant" (the latest "Notification of Reasons for Refusal) from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fails to comply with the requirement because:

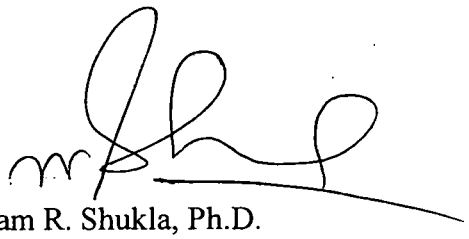
The examination of the application has already begun.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO, MI 49008-1631

Mail Date: 04/30/2010

Applicant	: Hitoshi Sato	: DECISION ON REQUEST FOR
Patent Number	: 7614118	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/581,917	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **239** 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 AUG 2009

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CASIMIR JONES, S.C.
440 SCIENCE DRIVE
SUITE 203
MADISON, WI 53711

In re Application of MULTHOFF	:	
U.S. Application No.: 10/581,918	:	
PCT Application No.: PCT/EP2004/013858	:	
Int. Filing Date: 06 December 2004	:	
Priority Date Claimed: 05 December 2003	:	DECISION
Attorney Docket No.: KNAUTHE-12014	:	
For: COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF NEOPLASTIC AND INFECTIOUS DISEASES	:	

This is in response to applicant's petition under 37 CFR 1.10(c) filed 24 June 2009.

BACKGROUND

On 06 December 2004, applicant filed international application PCT/EP2004/013858, which claimed priority of an earlier European Patent Office application filed 05 December 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired on 05 June 2006.

On 05 June 2006, applicant purportedly filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the Express Mail Post Office to Addressee service of the USPS ("Express Mail").

On 24 June 2009, applicant filed the present petition under 37 CFR 1.10(c)

DISCUSSION

37 CFR 1.10(c) states,

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee"

> service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
>
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

With regard to item (1) above, it would not be reasonable to conclude at the present time that the petition was promptly filed. In particular, more than three years have passed since applicant presumably received notification of the accorded filing date as shown on the return postcard receipt, a copy of which was included with the petition. However, the petition does not provide a sufficient explanation regarding the delay.

With regard to item (2) above, a review of the transmittal letter (Form PTO-1390) reveals that the Express Mail mailing label number was placed on the correspondence in question prior to the original mailing by Express Mail.

With regard to item (3) above, the Express Mail mailing label shows a "date-in" of 05 June 2006.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.10(c) is DISMISSED without prejudice.

Until a grantable petition under 37 CFR 1.10(c) is filed, the present application is held abandoned for failure to timely pay the basic national fee.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10(c)".

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 Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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14 MAY 2010

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CASIMIR JONES, S.C.
440 SCIENCE DRIVE
SUITE 203
MADISON, WI 53711

In re Application of MULTHOFF	:	
U.S. Application No.: 10/581,918	:	
PCT Application No.: PCT/EP2004/013858	:	
Int. Filing Date: 06 December 2004	:	
Priority Date Claimed: 05 December 2003	:	DECISION
Attorney Docket No.: KNAUTHE-12014	:	
For: COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF NEOPLASTIC AND INFECTIOUS DISEASES	:	

This is in response to applicant's petition under 37 CFR 1.137(b) filed 11 February 2010.

BACKGROUND

On 06 December 2004, applicant filed international application PCT/EP2004/013858, which claimed priority of an earlier European Patent Office application filed 05 December 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired on 05 June 2006.

On 06 June 2006, application PCT/EP2004/013858 became abandoned as to the United States for failure to timely pay the requisite basic national fee.

On 06 June 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US).

On 11 February 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless

previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

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

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

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

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 06 December 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 23 April 2007.

This application is being forwarded to Technology Center Art Unit 1643 for continued processing.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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P.O. Box 1450
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www.uspto.gov

14 AUG 2006

VINCENT L. RAMIK
DILLER, RAMIK & WIGHT
7345 MCWHORTER PLACE
SUITE 101
ANNANDALE, VA 22003

In re Application of	:	
KRAH et al.	:	
Application No.: 10/581,929	:	DECISION ON
PCT No.: PCT/EP2004/12649	:	
Int. Filing Date: 09 November 2004	:	PETITION UNDER
Priority Date: 24 November 2003	:	
Attorney Docket No.: None	:	37 CFR 1.137(b)
For: DEVICE AND METHOD FOR MANUFACTURING WRAPPED TUBES	:	

This decision is in response to applicant's submission filed 07 June 2006.

BACKGROUND

On 09 November 2004, applicant filed international application PCT/EP2004/012649 which designated the U.S. and claimed a priority date of 24 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 May 2006.

On 07 June 2006, 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, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, an English translation of the international application, and a petition under 37 CFR 1.137(b) to revive the application.

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 07 June 2006.

As to item (2), applicant submitted the petition fee on 07 June 2006.

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) requiring an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the processing fee under 37 CFR 1.492(i) for furnishing an English translation later than thirty months from the earliest priority date claimed.

Daniel Stemmer
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0 8 JAN 2007

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Diller, Ramik & Wight
7345 McWhorter Place;
Suite 101
Annandale VA 22003

In re Application of	:	
KRAH et al.	:	DECISION ON
Application No.: 10/581,929	:	
PCT No.: PCT/EP2004/012649	:	PAPERS
Int. Filing Date: 09 November 2004	:	
Priority Date: 24 November 2003	:	UNDER 37 CFR 1.42
Attorney's Docket No.: None	:	
For: DEVICE AND METHOD FOR MANUFACTURING WRAPPED TUBES	:	

This is a decision on the submission filed by applicants on 08 November 2006, which was accompanied by, *inter alia*, two declarations of the inventors. The indication in the second declaration that inventor Adolf Berger is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 09 November 2004, applicants filed international application PCT/EP2004/012649 which designated the U.S. and claimed a priority date of 24 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 May 2006.

On 07 June 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, an English translation of the international application, and a petition under 37 CFR 1.137(b) to revive the application.

On 14 August 2006, a decision was mailed granting applicants' petition under 37 CFR 1.137(b).

On 30 October 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form

PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 November 2006, applicants filed the instant submission which was accompanied by, *inter alia*, two declarations of the inventors. The indication in the second declaration that inventor Adolf Berger is deceased has been treated as a request for status under 37 CFR 1.42.

On 27 December 2006, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration of inventors filed 08 November 2006 was missing the signature of Adolf Berger.

DISCUSSION

The NOTIFICATION OF DEFECTIVE RESPONSE mailed 27 December 2006 was mailed in error (i.e., applicant's request under 37 CFR 1.42 had not been taken into account) and is hereby VACATED.

The declaration signed by Karl-Heinz Krah fails to comply with 37 CFR 1.497(a)-(b) because it does not identify all of the inventors. 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. Also, the declaration signed by Karl-Heinz Krah indicates an incorrect filing date for the international application; the declaration indicates the date as 09 December 2004 whereas the actual date is 09 *November* 2004.

The declaration signed by Kathe Berger also fails to comply with 37 CFR 1.497(a)-(b). The declaration fails to state that the person making the oath believes the named inventors (both Adolf Berger and Karl-Heinz Krah) to be the original and first inventors of the subject matter which is claimed and for which a patent is sought.

The submission of the declaration executed by the sole heir 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 and thus the sole heir is signing as the legal representative of the estate. If this interpretation is incorrect application 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

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

The NOTIFICATION OF DEFECTIVE RESPONSE mailed 27 December 2006 is VACATED 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.

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."

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25 JUN 2007

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In re Application of	:	
KRAH et al.	:	DECISION ON
Application No.: 10/581,929	:	
PCT No.: PCT/EP2004/012649	:	PAPERS
Int. Filing Date: 09 November 2004	:	
Priority Date: 24 November 2003	:	UNDER 37 CFR 1.42
Attorney's Docket No.: None	:	
For: DEVICE AND METHOD FOR MANUFACTURING WRAPPED TUBES	:	

This is a decision on the applicants' renewed submission under 37 CFR 1.42 filed 10 April 2007.

BACKGROUND

On 09 November 2004, applicants filed international application PCT/EP2004/012649 which designated the U.S. and claimed a priority date of 24 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 May 2006.

On 07 June 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, an English translation of the international application, and a petition under 37 CFR 1.137(b) to revive the application.

On 14 August 2006, a decision was mailed granting applicants' petition under 37 CFR 1.137(b).

On 30 October 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 November 2006, applicants filed a submission which was accompanied by, *inter alia*, two declarations of the inventors. The indication in the second declaration that inventor Adolf Berger is deceased was treated as a request for status under 37 CFR 1.42.

On 27 December 2006, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration of inventors filed 08 November 2006 was missing the signature of Adolf Berger.

On 08 January 2007, a decision was mailed vacating the NOTIFICATION OF DEFECTIVE RESPONSE mailed 27 December 2006 and refusing applicants' request under 37 CFR 1.42. Regarding the request under 37 CFR 1.42, it was noted that both the declaration signed by Karl-Heinz Krah and the declaration signed by Kathe Berger failed to comply with 37 CFR 1.497(a)-(b).

On 10 April 2007, applicants submitted the instant renewed submission under 37 CFR 1.42, which was accompanied by a petition/fee for a one-month extension of time, a declaration of inventors signed by Karl-Heinz Krah, and a declaration of inventors signed by Kathe Berger.

DISCUSSION

Neither the declaration of inventors signed by Karl-Heinz Krah nor the declaration of inventors signed by Kathe Berger are sufficient because both contain non-initialed alterations. 37 CFR 1.52(c). "The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration." MPEP § 605.04(a). Item I.

CONCLUSION

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

A proper response must be filed within a time limit of ONE MONTH from the date of this decision or within the time remaining in the response set forth in the decision mailed 08 January 2007, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the decision mailed 08 January 2007 may be extended under 37 CFR 1.136(a).

Failure to timely file a proper reply will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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0 3 MAR 2008

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Vincent L. Ramik
Diller, Ramik & Wight
7345 McWhorter Place;
Suite 101
Annandale VA 22003

In re Application of	:	
KRAH et al.	:	DECISION ON
Application No.: 10/581,929	:	
PCT No.: PCT/EP2004/012649	:	PAPERS
Int. Filing Date: 09 November 2004	:	
Priority Date: 24 November 2003	:	UNDER 37 CFR 1.42
Attorney's Docket No.: None	:	
For: DEVICE AND METHOD FOR MANUFACTURING WRAPPED TUBES	:	

This is a decision on the applicants' submission filed 18 July 2007.

BACKGROUND

On 09 November 2004, applicants filed international application PCT/EP2004/012649 which designated the U.S. and claimed a priority date of 24 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 May 2006.

On 07 June 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, an English translation of the international application, and a petition under 37 CFR 1.137(b) to revive the application.

On 14 August 2006, a decision was mailed granting applicants' petition under 37 CFR 1.137(b).

On 30 October 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 November 2006, applicants filed a submission which was accompanied by, *inter alia*, two declarations of the inventors. The indication in the second declaration that inventor Adolf Berger is deceased was treated as a request for status under 37 CFR 1.42.

On 27 December 2006, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration of inventors filed 08 November 2006 was missing the signature of Adolf Berger.

On 08 January 2007, a decision was mailed vacating the NOTIFICATION OF DEFECTIVE RESPONSE mailed 27 December 2006 and refusing applicants' request under 37 CFR 1.42. Regarding the request under 37 CFR 1.42, it was noted that both the declaration signed by Karl-Heinz Krah and the declaration signed by Kathe Berger failed to comply with 37 CFR 1.497(a)-(b).

On 10 April 2007, applicants submitted a renewed submission under 37 CFR 1.42, which was accompanied by a petition/fee for a one-month extension of time, a declaration of inventors signed by Karl-Heinz Krah, and a declaration of inventors signed by Kathe Berger.

On 25 June 2007, a decision was mailed refusing applicants' renewed request under 37 CFR 1.42. It was noted that neither the declaration of inventors signed by Karl-Heinz Krah nor the declaration of inventors signed by Kathe Berger were sufficient because both contain non-initialed alterations. The alterations consisted of two German words "Unterschift" and "Datum" hand printed and added in both declarations adjacent the respective words "Signature" and "Dated".

On 11 July 2007, in a telephone interview with Mr. Vincent L. Ramik, the undersigned indicated that upon reconsideration, the hand printed notations referred to above did not constitute non-initialed alterations under 37 CFR 1.52(c) and that the decision mailed 25 June 2007 would be vacated.

On 18 July 2007, applicants filed the instant submission.

DISCUSSION

The decision mailed 25 June 2007 is hereby VACATED for the reasons set forth above.

The submission filed 10 April 2007 has been reconsidered and has been found in compliance with 37 CFR 1.42. The declarations of inventors filed 10 April 2007 are in compliance with 37 CFR 1.497(a)-(b). As noted in applicants' submission filed 18 July 2007, the hand printed notations described above are not indicative of an inability of either declarant to read or understand the English language. Attention is also directed to the declarations of inventors filed 10 April 2007 which were signed by each declarant without any hand printed notations regarding either the signature or date.

CONCLUSION

For the above reasons, the decision mailed 25 June 2007 is VACATED.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

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12/3/08

Patent No. :7420503
Ser. No. :10/581935
Inventor(s) :Masaharu UCHINO
Issued : 9/2/08
Title :SMALL-SIZED LOW-POWER DISSIPATION SHORT-RANGE RADAR THAT CAN ARBITRARILY CHANGE DELAY TIME BETWEEN TRANSMISSION AND RECEPTION WITH HIGH TIME RESOLUTION AND METHOD OF CONTROLLING THE SAME
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

FRISHAUF HOLTZ GOODMAN & CHICK P.C.
220 5TH AVENUE, 16TH FLOOR
NEW YORK, NEW YORK 10001-7708

HR

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1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020-1182

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JUN 0 8 2009

OFFICE OF PETITIONS

In re Patent No. 7,420,503	:	
Issue Date: June 7, 2006	:	
Application No. 10/581,935	:	ON PETITION
Filed: June 7, 2006	:	
Attorney Docket No. 06324/LH	:	

This is a decision on the statement in support of Request for Certificate of Correction filed February 18, 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 fee for the petition under 37 CFR 3.81 will charged to petitioner's credit card as authorized.

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
Petitions Examiner
Office of Petitions

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

17 JUL 2006

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MCGLEW & TUTTLE, PC
P.O. BOX 9227
SCARBOROUGH STATION
SCARBOROUGH NY 10510-9227

In re Application of:
RICCI, Antonio, et al.
U.S. Application No.: 10/581,964
Int'l Application No: PCT/IT2004/000575
Int'l Filing Date: 21 October 2004
Priority Date: 28 October 2003
Attorney Docket No.: 72270
For: DEVICE FOR PERFORMING ANALYSES ON BIOLOGICAL FLUIDS AND RELATED METHOD

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 07 June 2006 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" satisfies the requirement 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 United States of America.

The 07 June 2006 submission included an executed declaration in compliance with 37 CFR 1.497. Deposit Account No. 13-0410 will be charged the surcharge for filing this declaration later than thirty months after the priority date.

This application is being referred 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 07 June 2006.

Richard M. Ross
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0 9 JUN 2008

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THELEN REID BROWN RAYSMAN & STEINER LLP
P. O. BOX 640640
SAN JOSE, CA 95164-0640

In re Application of COLLIER et al	:	
U.S. Application No.: 10/581,978	:	
PCT Application No.: PCT/FR2004/050712	:	
Int. Filing Date: 16 December 2004	:	
Priority Date Claimed: 19 December 2003	:	DECISION
Attorney Docket No.: 034299-000701	:	
For: OPEN CELL POLYMER FOAMS HAVING A VERY SMALL DIAMETER, AND THE PRODUCTION METHOD THEREOF	:	

This is in response to applicant's "Petition to Acknowledge Original 371 Application Filing Date as Official Filing Date" filed 24 March 2008, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 16 December 2004, applicant filed international application PCT/FR2004/050712, which claimed priority of an earlier France application filed 19 December 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 07 July 2005. The thirty-month period for paying the basic national fee in the United States expired on 19 June 2006.

On 06 June 2006, 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 01 February 2007, 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 27 August 2007, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated 02 April 2007 as the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements.

On 24 March 2008, 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 06 June 2006. Specifically, the copy of the return postcard, which includes the declaration in its itemized contents and which bears a USPTO date stamp of 06 June 2006, serves as *prima facie* evidence that the declaration was received by the USPTO on 06 June 2006.

Accordingly, the Notification of Missing Requirements was sent in error.

CONCLUSION

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

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 01 February 2007 is hereby VACATED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 27 August 2007 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 16 December 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 June 2006.

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 Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which should indicate 06 June 2006 as the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements, and a corrected Filing Receipt, which should indicate 06 June 2006 as the "Filing or 371(c) Date".

Bryan Lin

Bryan Lin
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Wilmington, DE 19803

In re Application of	:	
PENZO et al	:	
Application No.: 10/581,981	:	DECISION ON
PCT No.: PCT/EP2004/013550	:	
Int. Filing Date: 29 November 2004	:	PETITION
Priority Date: 11 December 2003	:	
Attorney's Docket No.: FE 6146	:	UNDER 37 CFR 1.181
For: LIQUID PHASE PROCESS FOR POLYMERIZING OLEFINS	:	

This decision is in response to the "REQUEST FOR CORRECTED NOTICE... FILING RECEIPT," filed on 14 January 2008 which is being treated as a petition under 37 CFR 1.181 requesting that the 371(c)(1), (c)(2), and (c)(4) date of the above application be corrected to June 7, 2006.

BACKGROUND

On 07 June 2006, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and an executed declaration submitted under PCT Rule 4.17(iv).

On 14 February 2007, 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 applicants, 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, and that 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 Notice also stated that the items set above must be submitted within two (2) months from the date of this Notice or 32 months from the priority date of the application. Failure to properly will result in abandoned.

In response to the "NOTIFICATION OF MISSING REQUIREMENTS" mailed on 14 February 2007, applicants filed a letter transmitting missing requirements under 35 USC 371 on 06 March 2007, which included a copy of PCT Request that included the executed declaration.

On 08 August 2007, 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 that the 371(c)(1), (c)(2) and (c)(4) and that the date of completion of all 35 U.S.C. 371 is 07 June 2007.

On 14 January 2008, applicants filed this petition indicating that the correct 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) date is 07 June 2006.

DISCUSSION

A review of the file indicates that the executed declaration was received at the USPTO on June 07, 2006 under PCT Rule 4.17(iv). Thus, the date of receipt of the declaration for the above application is 07 June 2006, which is the date that applicants satisfied the requirement under 35 U.S.C. 371(c)(4). Accordingly, this is the date that (c)(1), (c)(2), and (c)(4) requirements under 35 U.S.C. 371 have been satisfied.

DECISION

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

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on **08 August 2007** is **VACATED** with the mailing of this decision.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **07 June 2006.**

Rafael Bacares
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23 APR 2007

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In re Application of
STOCKTON, et al.
U.S. Application No.: 10/581,987
PCT No.: PCT/US04/41597
Int. Filing Date: 13 December 2004
Priority Date: 12 December 2003
Attorney Docket No.: 1709.030002
For: METHOD AND SYSTEM CONFIGURED FOR FACILITATING MANAGEMENT OF INTERNATIONAL TRADE RECEIVABLES TRANSACTIONS

DECISION ON PETITION

UNDER 37 CFR 1.47(a)

This decision is in response to applicant's petition to accept the present national stage application without the signature of joint inventor Wil Ballard filed 28 March 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 December 2004, applicant filed international application PCT/US04/41597, which claimed a priority date of 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, 12 June 2006.

On 07 June 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee.

On 04 January 2007, 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 28 March 2007, applicant filed the present petition under 37 CFR 1.47 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

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 investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items (1) and (3).

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

While applicant has included a statement from counsel that a copy of the U.S. application and declaration was "sent to Mr. Ballard" applicant has not detailed how the materials were sent and confirmed that they were received. This is especially important in the present case where applicant is asking that the silence of the inventor be considered a refusal to sign. Were the papers mailed to Mr. Ballard's last known address or were they sent through an e-mail. Applicant should include copies of all relevant correspondence between counsel and Mr. Ballard in any request for reconsideration to support the contention that the papers were delivered in a way in which it is clear that Mr. Ballard would have received them.

Regarding item (4), the filed declaration does not comply with 37 CFR 1.497(b). 37 CFR 1.47(a) states that in a situation where an inventor refuses to sign or can not be reached the declaration is to be signed by the other inventors on their own behalf and on behalf of the non-signing inventor. Applicant has filed a declaration executed by an authorized officer of the corporate applicant on behalf of Mr. Ballard. Such a paper would be proper if proceeding under 37 CFR 1.47(b) and Mr. Ballard was the sole inventor. However, in the present situation it removes the presumption that the other inventors in the application, Stockton, Goodman and Jones, were executing the declaration on their own behalf and on behalf of Mr. Ballard. Lastly, the residence information for inventors Goodman and Jones is illegible.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." 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.

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02 JUL 2007

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In re Application of
STOCKTON, et al.
U.S. Application No.: 10/581,987
PCT No.: PCT/US04/41597
Int. Filing Date: 13 December 2004
Priority Date: 12 December 2003
Attorney Docket No.: 1709.030002
For: METHOD AND SYSTEM CONFIGURED FOR FACILITATING MANAGEMENT OF INTERNATIONAL TRADE RECEIVABLES TRANSACTIONS

DECISION ON PETITION

UNDER 37 CFR 1.47(a)

This decision is in response to applicant's renewed petition to accept the present national stage application without the signature of joint inventor Wil Ballard filed 22 June 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 23 April 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request fore reconsideration.

On 22 June 2007, applicant filed the present renewed petition under 37 CFR 1.47.

DISCUSSION

As detailed in the decision mailed 23 April 2007, 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 investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1) and (3).

As to item (2), applicant has now filed evidence to show that Mr. Ballard was presented with a complete set of application papers and to date he has not responded with an executed oath or declaration. This period of non-response constitutes a refusal under 37 CFR 1.47. Thus applicant has satisfied this item.

Regarding item (4), while applicant has presently submitted a declaration executed by the remaining inventors on their own behalf, as well as, on the behalf of Mr. Ballard, the filed

declaration does not comply with 37 CFR 1.497(a)(3) in that is does not provide at least the citizenship of Mr. Ballard.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." 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.

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14 MAR 2008

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In re Application of	:	
STOCKTON, et al.	:	
U.S. Application No.: 10/581,987	:	DECISION ON RENEWED
PCT No.: PCT/US04/41597	:	
Int. Filing Date: 13 December 2004	:	PETITION UNDER
Priority Date: 12 December 2003	:	
Attorney Docket No.: 1709.030002	:	37 CFR 1.47(a)
For: METHOD AND SYSTEM CONFIGURED FOR FACILITATING MANAGEMENT OF INTERNATIONAL TRADE RECEIVABLES TRANSACTIONS	:	

This decision is in response to the applicant's filing of 28 February 2008 in the United States Patent and Trademark Office (UPSTO). The filing includes a copy of a renewed petition under 37 CFR 1.47(a) purportedly originally filed on 31 August 2007.

BACKGROUND

On 02 July 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for consideration.

On 28 February 2008, applicant filed the present petition.

DISCUSSION

As detailed in the decision mailed 02 July 2007, 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 investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1-3 above. Applicant has presently provided a compliant declaration satisfying the remaining item. However, the renewed petition cannot be granted at this time as there is a question as to the timeliness of the response. Applicant's present claim that a response was originally filed on 31 August 2007 is not signed by a registered attorney or patent agent. In addition, while applicant has included a stamped return postcard showing a USPTO receipt date of 31 August 2007, applicant has not included a signed statement from counsel certifying that the papers submitted on 28 February 2008 represent a true and

complete copy of the papers originally filed on 31 August 2007. Pending resolution of these issues to assure the timeliness of the reply, it is not possible to grant applicant's renewed petition under 37 CFR 1.47(a) as the application is technically abandoned for failure to provide a timely response to the decision mailed 02 July 2007.

CONCLUSION

For the reasons discussed above, a decision on applicant's renewed petition under 37 CFR 1.47(a) is being held in abeyance pending the filing of a grantable petition under 37 CFR 1.181.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a) and Petition Under 37 CFR 1.181."

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

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07 APR 2008

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In re Application of
STOCKTON, et al.
U.S. Application No.: 10/581,987
PCT No.: PCT/US04/41597
Int. Filing Date: 13 December 2004
Priority Date: 12 December 2003
Attorney Docket No.: 1709.030002
For: METHOD AND SYSTEM CONFIGURED FOR FACILITATING MANAGEMENT OF INTER-NATIONAL TRADE RECEIVABLES TRANSACTIONS

DECISION ON PETITIONS

UNDER 37 CFR 1.47(a)

AND 37 CFR 1.181

This decision is in response to applicant's renewed petition to accept the present national stage application without the signature of joint inventor Wil Ballard filed 26 March 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 14 March 2008, applicant was mailed a decision indicating that a decision on applicant's renewed petition under 37 CFR 1.47(a) was being held in abeyance pending the filing of a petition under 37 CFR 1.181 to perfect the timeliness of the renewed petition. Applicant was afforded two months to file any request fore reconsideration.

On 26 March 2008, applicant filed the present papers which include a statement as to the true and complete nature of the papers filed 28 February 2008 which is being considered under 37 CFR 1.181 and a renewed petition under 37 CFR 1.47.

DISCUSSION

I. Petition Under 37 CFR 1.181

Applicant has provided a legible copy of the receipt postcard which shows a USPTO date stamp, "IAP6 Rec'd PCT/PTO 31 AUG 2007" and clearly identifies:

1) Transmittal Letter
2) Renewed Petition under 37 CFR 1.47(2)
3) Original executed Declaration and Power of Attorney
4) Copy of Decision on Petition mailed July 2, 2007.

5) Confirmation Postcard.

The postcard has not been annotated in any way to indicate that the above items were not received. Applicant has presently provided a signed statement from counsel attesting to the true and complete nature of the copy filed 28 February 2008. As such, it is proper to grant the petition under 37 CFR 1.181 and accept the copy of the papers filed 28 February 2008 as having been filed 31 August 2007. The renewed petition is thus a timely response to the decision mailed 02 July 2007.

II. Renewed Petition Under 37 CFR 1.47(a)

As detailed in the decision mailed 23 April 2007, 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 investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1)-(3).

Regarding item (4), applicant has presently provided a compliant declaration satisfying the remaining item and it is proper to grant applicant's renewed petition under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.181 and renewed petition under 37 CFR 1.47(a) are **GRANTED**.

The application has an international filing date of 13 December 2004 under 35 U.S.C. 363, and will be given a date of **31 August 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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07 APR 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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Mr. Wil Ballard
12804 Noyes Lane
Austin, TX 78732

In re Application of
MEIJER
U.S. Application No.: 11/77,007
PCT No.: PCT/NL06/50011
Int. Filing Date: 16 January 2006
Priority Date: 14 January 2005
Attorney's Docket No.: 069818-8400
For: PROTECTIVE COMPOSITION

Dear Mr. Ballard:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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MAILED

JUN 04 2010

OFFICE OF PETITIONS

In re Application of Humberstone et al. :
Application No. 10/581,991 : Decision on Petition
Filing Date: May 8, 2007 :
Attorney Docket No. 025217-0147 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 27, 2010, 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 25, 2008, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on September 26, 2008. A Notice of Abandonment was mailed January 9, 2009.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

As to item (1), the petition is accompanied by an amendment in responding to the June 25, 2008 Office action.

As to item (2), Petitioner has submitted $1,620 petition fee.

As to item (3), Petitioner has stated the entire delay in filing the required reply, from the due date of the reply until the filing of the petition, was unintentional.

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

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

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

Technology Center Art Unit 3767 will be informed of the instant decision and the application, including the amendment filed January 27, 2010, will be further examined in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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11 JUL 2006

MCDERMOTT WILL & EMERY LLP
28 State Street
Boston, MA 02109-1775

In re Application of	:	
GOMEZ AMOR, Vincente	:	
U.S. Application No.: 10/582,005	:	
PCT No.: PCT/US2004/009622	:	**DECISION**
Int. Filing Date: 29 October 2004	:	
Priority Date: 12 November 2003	:	
Attorney's Docket No.: 076283.0011	:	
For: PERFECTED 3 WAY STOPCOCK	:	

Applicants' "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 C.F.R. §1.137(b)" filed with the national stage papers on 06 June 2006 is hereby **GRANTED** as follows:

The basic national fee, surcharge fee and petition fee for a small entity have been paid. Applicants' statement is sufficient to meet the requirements of 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.

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28 APR 2008

23630
MCDERMOTT WILL & EMERY LLP
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In re Application of :
GOMEZ AMOR *et al* :
U.S. Application No.: 10/582,005 :
PCT No.: PCT/ES2004/000477 : **DECISION**
Int. Filing Date: 29 October 2004 :
Priority Date: 12 November 2003 :
Attorney Docket No.: 076283.0011 :
For: PERFECTED 3 WAY STOPCOCK :

This petition is in response to the papers filed on 14 February 2008 which are treated as a petition under 37 CFR 1.8(b). No fee is required.

BACKGROUND

On 06 December 2006, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration was required. Applicant was given two months to respond with extensions of time available.

On 02 February 2007, applicant purportedly filed a response containing an executed declaration via facsimile. However, these papers are not located in the file.

On 08 February 2008, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909), indicating that the application went abandoned for failure to timely reply to the Form PCT/DO/EO/905 mailed 06 December 2006.

On 14 February 2008, applicant filed the subject petition.

DISCUSSION

In the petition filed 14 February 2008, applicant's claim to have responded to the Form PCT/DO/EO/905 via facsimile transmission on 02 February 2007. However, this response is not present in the file. As such, the subject application went abandoned for failure to respond to an office action.

37 CFR 1.8 *Certificate of mailing or transmission*, states in part:

(b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but

not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit 's report confirming transmission may be used to support this statement.

Here, applicant provided a copy of the documents purportedly filed 02 February 2007. Applicant also included a copy of the "Auto-Reply Facsimile Transmission" received from the USPTO. In addition, applicant's statements in the petition are sufficient to satisfy item (3) of 37 CFR 1.8(b).

A review of the evidence shows that the USPTO received a facsimile on 02 February 2007. The "Auto-Reply Facsimile Transmission" certifies that 4 pages (incl. Cover) were received by the USPTO. Moreover, the response and declaration submitted as copies of what was filed list the proper U.S. application number, title and applicant.

This evidence meets the requirements of 37 CFR 1.8(b) and is sufficient for a grantable petition.

CONCLUSION

Applicant's petition under 37 CFR 1.8(b) is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 08 February 2008 is hereby **VACATED**.

The declaration originally filed 02 February 2007 is in compliance with 37 CFR 1.497(a) and (b).

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 29 October 2004, under 35

U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 02 February 2007.

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

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EDWARDS ANGELL PALMER & DODGE LLP
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Mail Date: 04/21/2010

Applicant	: Ching-Juh Lai	: DECISION ON REQUEST FOR
Patent Number	: 7622113	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/582,006	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2006	: 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.

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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JUN 28 2010

OFFICE OF PETITIONS

In re Application of :
Kuroda et al. :
Application No. 10/582,014 :
Filed: June 7, 2006 :
Attorney Docket No. 04676.0237-00 :

DECISION ON APPLICATION
FOR PATENT TERM ADJUSTMENT

This is in response to the "Application for Patent Term Adjustment-Pre-Grant" filed January 27, 2010. Applicants request the initial determination of patent term adjustment be corrected from four hundred thirty-two (432) days to seven hundred twenty-seven (727) days.

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

On November 18, 2009, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) advising applicants of a patent term adjustment to date of 432 days. In response, applicants timely filed this application for patent term adjustment prior to filing the issue fee on February 12, 2010.

After a review of the record, the Office has determined the patent term adjustment should not be increased from 432 days to 727 days.

Pursuant to 37 C.F.R § 1.703(a)(1), the period of adjustment of patent term due to examination delay includes:

> 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.

Applicants contend the application fulfilled the requirements of 35 U.S.C. § 371 on August 7, 2007. Applicants also contend the first substantive Office action was mailed 14 months and 727 days after the date the application fulfilled the requirements of 35 U.S.C. § 371.

If the application had fulfilled the requirements of 35 U.S.C. § 371 on August 7, 2007, the Office would agree an increase in patent term adjustment is appropriate. However, the application did not fulfill the requirements of 35 U.S.C. § 371 until March 28, 2007.

Applicants did not request early processing of the application under 35 U.S.C. § 371(f). Absent a request for early processing, an international application fulfills the requirements of 35 U.S.C. § 371 on the date of commencement unless the date the application meets the requirements of 35 U.S.C. § 371(c) is after the date of commencement. The date of commencement is March 28, 2007. In this case, the date the application met the requirements of 35 U.S.C. § 371 is not after the date of commencement. Therefore, the date the application fulfilled the requirements of 35 U.S.C. § 371 is March 28, 2007, the date of commencement.

The number of days beginning May 29, 2008, the day after the date fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. § 371, and ending on August 3, 2009, the date the Office mailed an action under 35 U.S.C. § 132, is 432 days.

In view of the prior discussion, the period of delay under 37 C.F.R § 1.703(a)(1) is 432 days, not 727 days.

Submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fee is required.

Applicants are reminded any delays by the Office pursuant to 37 C.F.R. §§ 1.702(a)(4) and 1.702(b) and any applicant delays under 37 C.F.R. § 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 decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Anthony Knight
Director
Office of Petitions

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OFFICE OF PETITIONS

Bell, Boyd & Lloyd LLP
3580 Carmel Mountain Road
Suite 200
San Diego CA 92130

Applicant: Ching et al.
Appl. No.: 10/582,048
International Filing Date: December 15, 2004
Title: CATIONIC OLIGEMER OF A SACCHARIDE FOR RESOLVING ENANTIOMERS AND ASYMMETRIC SYNTHESIS
Attorney Docket No.: 08625-006US1/2506US
Pub. No.: 2007/0225490 A1
Pub. Date: September 27, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on November 7, 2007, for the above-identified application.

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains material errors, wherein the preliminary amendment to the claims was not included in the publication and claim 14 contains an error wherein the subscript "20" is printed as" $_2$O".

37 CFR 1.221 (b) is applicable "only when the Office makes **a material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the claims in the publication by the Office because patent application publications are not required to include preliminary amendments, according to 37 CFR 1.215(a), [2] which says the following, in part:

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[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).

[2] Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

> (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. (emphasis added)

§ 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 changed the procedures for publication of patent applications so as to publish applications as amended, when possible. Until 2004, 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) and MPEP 1121. Applicant did not file a specification, which incorporated the preliminary amendment. See Pre-Grant Publication Helpful Hint: File Continuation or Divisional Application with a New Specification and Copy of Oath or Declaration from Prior Application, 1251 Off. Gaz. Pat. Office Notices 54 (Oct. 9, 2001).

As to the error in claim 14 with the subscript being erroneously printed, it is noted that it may be an Office error, but it are not material Office errors under 37 CFR 1.221. The error in the claim is not a material Office error under 37 CFR 1.221 because the quality of the text is poor, as it is very small. The errors noted by requestor in claim 14 are due to the quality of the text, as the text of the chemical formulas is very small. The text is not clear due to the size, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

Applicant is advised that he may want to file application papers that are clearer, as the error is due to the quality of the text. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

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.

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

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14 AUG 2006

PAULEY PETERSEN & ERICKSON
2800 WEST HIGGINS ROAD
SUITE 365
HOFFMAN ESTATES IL 60195

In re Application of	:	
TSCHANNEN	:	
Application No.: 10/582,059	:	DECISION ON
PCT No.: PCT/CH2004/000609	:	
Int. Filing Date: 01 October 2004	:	PETITION UNDER
Priority Date: 03 October 2003	:	
Attorney Docket No.: F-343	:	37 CFR 1.137(b)
For: INTEGRATED AIR NAVIGATION	:	
AND FLIGHT CONTROL SYSTEM	:	

This decision is in response to applicants' submission filed 08 June 2006.

BACKGROUND

On 01 October 2004, applicants filed international application PCT/CH2004/000609 which designated the U.S. and claimed a priority date of 03 October 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 14 April 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 03 April 2006.

On 08 June 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a declaration of the inventor, an assertion of small entity status, and a petition under 37 CFR 1.137(b) to revive the application.

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 08 June 2006.

As to item (2), applicant submitted the petition fee on 08 June 2006.

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.

Declaration of Inventors

The declaration of inventors filed 08 June 2006 is not in compliance with 37 CFR 1.69(b); specifically applicants have not used one of the pre-approved foreign language forms nor have applicants furnished the requisite statement attesting to the accuracy of the translation.

The surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 19-3550.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Regarding the declaration, applicants are required to file either a pre-approved foreign language declaration in compliance with 37 CFR 1.497(a)-(b) or the requisite statement under 37 CFR 1.69(b) that the translation is accurate. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

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

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

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

Mail Date: 04/22/2010

Applicant	: David J. Spykerman	: DECISION ON REQUEST FOR
Patent Number	: 7661505	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/582,065	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **631** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Guy Yonay
Pearl Cohen Zedek Latzer, LLP
12th Floor
1500 Broadway
New York, NY 10036

Mail Date: 04/21/2010

Applicant	: Maya Bar-El	: DECISION ON REQUEST FOR
Patent Number	: 7613235	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/582,091	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/01/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **509** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Honeywell International Inc
Patent Services
101 Columbia Road
Morristown, NJ 07962

Mail Date: 04/21/2010

Applicant	: Jean-Luc Perrin	: DECISION ON REQUEST FOR
Patent Number	: 7581394	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/582,103	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **307** 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.

17 JUL 2006

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FISH & NEAVE IP GROUP
Ropes & Gray LLP
1251 Avenue of the Americas
New York, NY 10020

In re Application of:
GREENSMITH, Linda, et al.
U.S. Application No.: 10/582,124
Int'l Application No: PCT/HU2004/000098
Int'l Filing Date: 25 October 2004
Priority Date: 30 October 2003
Attorney Docket No.: CytRx/012
For: USE OF A HYDROXIMIC ACID DERIVATIVE IN THE TREATMENT OF NEURODEGENERATIVE DISEASES

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 07 June 2006 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" satisfies the requirement 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 United States of America.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of 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.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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Nixon & Vanderhye, P.C.
901 North Glebe Road, 11th Floor
Arlington, VA 22203

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MAY 17 2007

OFFICE OF PETITIONS

In re Application of :
Mustapha Abarghaz et al. :
Application No. 10/582,131 : DECISION ON PETITION
Filed: June 8, 2006 : TO WITHDRAW
Attorney Docket No. 3665-183 : 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 6, 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 B.J. Sadoff on behalf of all attorneys of record who are associated with customer No. 23117. All attorneys/agents associated with the Customer Number 23117 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 mailed to the first signing inventor of the entire interest at the first copied address below until otherwise properly notified.

There are currently no pending office actions in this case.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Mustapha Abarghaz
6, rue Arthur Rimbaud
Wittenheim, France F-68270

cc: Gibbons, P.C.
One Gateway Center
Newark, NJ 07102

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PATENT ADMINISTRATOR
KATTEN MUCHIN ROSENMAN LLP
1025 THOMAS JEFFERSON STREET, N.W.
EAST LOBBY: SUITE 700
WASHINGTON DC 20007-5201

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OFFICE OF PETITIONS

In re Application of :
STAHL :
Application No. 10/582,165 : DECISION ON PETITION
Filed: June 8, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 334065.00003 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 13, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes an affidavit from inventor Edward L. Stahl, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

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 3727 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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JUL 20 2009

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of:
Nakano et al.
Serial No.: 10/582,176
Filed: April 18, 2007
Attorney Docket No.: **14875-0163US1/C1-A0322P-U**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed July 14, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that information submitted to the Patent Office on July 14, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an unexamined application. As such, the information provided has not been reviewed and proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Michael Roelleke	: DECISION ON REQUEST FOR
Patent Number	: 7584036	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/582,181	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **602** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Date Mailed: October 21, 2008

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE WA 98111-1208

Applicant: Shimokawa et al.
Appl. No.: 10/582,183
Filing Date: June 8, 2006
Title: METHOD AND DEVICE FOR CREATING PRINT DATA, PROGRAM FOR CREATING PRINT DATA, AND COMPUTER-READABLE RECORDING MEDIUM CONTAINING THE PROGRAM
Attorney Docket No.: 60883-8003.US01
Pub. No.: US 2007/0103733 A1
Pub. Date: May 10, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on June 7, 2007, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office 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.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

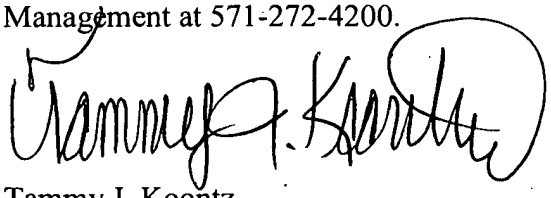
Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.**

Any questions or requests 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

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.



Tammy J. Koontz
Program & Management Analyst
Office of Data Management

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,183	06/08/2006	Kozo Shimokawa	60883-8003.US01	8927

22918 7590 08/18/2009

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

EXAMINER	
CHACKO, SUNIL	
ART UNIT	**PAPER NUMBER**
2625	
MAIL DATE	**DELIVERY MODE**
08/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE WA 98111-1208

Applicant: Shimokawa et al.
Appl. No.: 10/582,183
Filing Date: June 8, 2006
Title: METHOD AND DEVICE FOR CREATING PRINT DATA, PROGRAM FOR CREATING PRINT DATA, AND COMPUTER-READABLE RECORDING MEDIUM CONTAINING THE PROGRAM
Attorney Docket No.: 60883-8003.US01
Pub. No.: US 2007/0103733 A1
Pub. Date: May 10, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on August 6, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office 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.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the request in paper rather than via the Office electronic filing system**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
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Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Office of Data Management
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Adjustment date: 08/18/2009 KKING1
08/11/2009 EFLORES 00000013 10582183
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Refund Ref:
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,183	06/08/2006	Kozo Shimokawa	60883-8003.US01	8927

22918 7590 09/14/2009

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

EXAMINER	
CHACKO, SUNIL	
ART UNIT	**PAPER NUMBER**
2625	

MAIL DATE	DELIVERY MODE
09/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PERKINS COIE LLP
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SEATTLE WA 98111-1208

Applicant: Shimokawa et al.
Appl. No.: 10/582,183
Filing Date: June 8, 2006
Title: METHOD AND DEVICE FOR CREATING PRINT DATA, PROGRAM FOR CREATING PRINT DATA, AND COMPUTER-READABLE RECORDING MEDIUM CONTAINING THE PROGRAM
Attorney Docket No.: 60883-8003.US01
Pub. No.: US 2007/0103733 A1
Pub. Date: May 10, 2007

This is a decision on the third request for republication of patent application publication under 37 CFR 1.221(a), filed on September 10, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office 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.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
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P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Office of Data Management
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Adjustment date: 09/15/2009 KKING1
09/11/2009 INTEFSW 00004454 502207 10582183
01 FC:1504 300.00 CR

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OSHA LIANG L.L.P.
1221 MCKINNEY STREET, SUITE 2800
HOUSTON TX 77010

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MAR 13 2008

OFFICE OF PETITIONS

In re Application of
MATSUSHITA, et al.
Application No. 10/582,188
Filed: June 8, 2006
Attorney Docket No. **15115/231001**

DECISION DISMISSING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 10, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT.**

Petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue.** (Emphasis added)

Unfortunately, the petition was not received by the appropriate official for a decision until after March 11, 2008, the date upon which the above-identified application issued as U.S. Patent No. 7,342,663. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted.

The inconvenience caused petitioner in this matter is sincerely regretted. However, applicants were cautioned to hand carry or fax petitions to withdraw from issue directly to the Office of Petitions to allow sufficient time to process the petition. *(See Revised Procedures for Papers Requiring Immediate Attention (Hand-Carried and Facsimile Transmissions), 1279 Off. Gaz. Pat. Office 149 (Feb. 24, 2004); Revised Procedures for Papers Requiring Immediate Attention, 1280 Off. Gaz. Pat. Office 917 (March 23, 2004).*

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of the instant application into a patent. The RCE and the information disclosure statement (IDS) will remain in the file of the above-identified application without further consideration. *See* 37 CFR 1.197(1). The $810 RCE filing fee paid on March 10, 2008 is being credited to counsel's credit card.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

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Gray Robinson
ATTN: STEFAN V. STEIN/ IP DEPT.
201 N. Franklin Street, Suite 2200
Post Office Box 3324
TAMPA, FL 33601-3324

Mail Date: 04/20/2010

Applicant	: Daniel Audet	: DECISION ON REQUEST FOR
Patent Number	: 7576534	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/582,191	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **476** 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.

0 6 JUN 2008

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FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
997 LENOX DRIVE, BUILDING #3
LAWRENCEVILLE NJ 08648

In re Application of :
Park et al. :
Application No.: 10/582,196 :
PCT No.: PCT/KR2004/003030 :
Int. Filing Date: 23 November 2004 : DECISION
Earliest Priority Date: 15 December 2003 :
Attorney Docket No.: 93874.00201 :
For: E. Coli Mutant Containing Mutant Genes Related With:
Tryptophan Biosynthesis And Production Method... :

This is in response to the status inquiry filed on 05 November 2007, and the correspondence filed on 09 June 2006.

BACKGROUND

International application PCT/KR2004/003030 was filed on 23 November 2004, claimed an earliest priority date of 15 December 2003, and designated the United States. The International Bureau communicated a copy of the published international application to the USPTO on 23 June 2005. The 30-month period for payment of the basic national fee in the U.S. expired as of midnight on 15 June 2006. A basic national fee was paid in application no. 10/582,196 on 09 June 2006.

On 22 April 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to counsel, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b), a surcharge under 37 CFR 1.492(h), as well as enumerated requirements related to the sequence listing under 37 CFR 1.821-1.825.

DISCUSSION

In response to the Status Inquiry, review of the application file reveals ambiguity as to which international application was intended to enter the national stage. The Transmittal Letter filed on 09 June 2006 is directed to international application no. "PCT/KR2004/00303," but the claims, specification and drawings refer to "PCT/KR2004/003030," and the international filing date and priority date listed on the Transmittal Letter match those shown for PCT/KR2004/003030. In view of this discrepancy, it is not adequately clear which international application was intended to enter the national stage in the United States. A proper petition under 37 CFR 1.182 (and associated petition fee) is required in order to resolve this ambiguity.

CONCLUSION

Applicants have **TWO (2) MONTHS** from the mailing date of this decision, extendable under 37 CFR 1.136(a), to file a response clarifying the status of the papers submitted on 09 June 2006.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

0 4 AUG 2008

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FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
997 LENOX DRIVE, BUILDING #3
LAWRENCEVILLE NJ 08648

In re Application of :
Park et al. :
Application No.: 10/582,196 :
PCT No.: PCT/KR2004/003030 :
Int. Filing Date: 23 November 2004 : DECISION
Earliest Priority Date: 15 December 2003 :
Attorney Docket No.: 93874.00201 :
For: E. Coli Mutant Containing Mutant Genes Related With: Tryptophan Biosynthesis And Production Method... :

This is in response to the petition under 37 CFR 1.182 filed on 09 July 2008.

DISCUSSION

In a Decision mailed on 06 June 2008, it was explained that

> review of the application file reveals ambiguity as to which international application was intended to enter the national stage. The Transmittal Letter filed on 09 June 2006 is directed to international application no. "PCT/KR2004/00303," but the claims, specification and drawings refer to "PCT/KR2004/003030," and the international filing date and priority date listed on the Transmittal Letter match those shown for PCT/KR2004/ 003030. In view of this discrepancy, it is not adequately clear which international application was intended to enter the national stage in the United States. A proper petition under 37 CFR 1.182 (and associated petition fee) is required in order to resolve this ambiguity.

In response, petitioner has filed the instant petition under 37 CFR 1.182. Applicants "ask the U.S. Patent and Trademark Office to correct its records to confirm that Applicants intended to request entry into the national stage of international application No. 'PCT/KR2004/003030.'" Applicants "confirm that it was their intention to request entry into the national stage of international application No. PCT/KR2004/003030," and that the "error occurred without any deceptive intention on Applicants' part." In view of the totality of the evidence of record, it would be appropriate to accept petitioner's statements, and to grant the requested relief.

Petitioner has paid $130.00 toward the required $400.00 petition fee. The $270.00 balance is being charged to Deposit Account No. 02-4800, per the authorization accompanying the petition.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for further processing as the U.S. national stage under 35 U.S.C. 371(c) of international

application PCT/KR2004/003030. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **11 June 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

cc: Buchanan Ingersoll & Rooney PC
P.O. Box 1404
Alexandria, VA 221-1404

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Mail Date: 04/20/2010

Applicant	: Michihito Igaki	: DECISION ON REQUEST FOR
Patent Number	: 7652228	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/582,232	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **631** 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.

0 8 AUG 2008

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GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER NH 03101

In re Application of:	:	
HAYABUSA, Naganobu	:	DECISION REGARDING
U.S. Application No.: 10/582,244	:	SUBMISSION UNDER
PCT No.: PCT/JP2005/005135	:	37 CFR 1.42
International Filing Date: 22 March 2005	:	
Priority Date: 27 July 2004	:	
Attorney's Docket No.: SIP018	:	
For: MIXING METHOD FOR POWDER MATERIAL AND LIQUID MATERIAL, AND MIXER	:	

This decision is issued in response to applicant's 09 June 2006 submission of a declaration executed on behalf of deceased sole inventor Naganobu HAYABUSA by the deceased inventor's legal representative. The declaration has been treated as a submission under 37 CFR 1.42.

BACKGROUND

On 22 March 2005, applicant filed international application PCT/JP2005/005135. The international application claimed a priority date of 27 July 2004, and it designated the United States. On 02 February 2006, International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 27 January 2007.

On 09 June 2006, applicant 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, an English translation of the international application, and a declaration executed on behalf of deceased sole inventor Naganobu HAYABUSA by his legal representative Kyoko HAYABUSA. The declaration is considered herein under 37 CFR 1.497 and 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative (or heirs) must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed 09 June 2006 includes the required citizenship, residence, and mailing address information for the legal representative signing the declaration on behalf of the deceased inventor. However, the declaration does not set forth the citizenship of the deceased inventor. Applicants must provide a revised declaration executed by the legal representative of the deceased inventor that includes all required information, including the citizenship of the deceased inventor.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mail date this decision to submit a proper response under 37 CFR 1.42 and 1.497. Failure to file a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a).

A proper response must include a revised declaration executed by the legal representative of the deceased inventor that includes all the information required by 37 CFR 1.497, including the citizenship of the deceased inventor.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, 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
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

0 8 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER NH 03101

In re Application of:	:	
HAYABUSA, Naganobu	:	DECISION REGARDING
U.S. Application No.: 10/582,244	:	RENEWED SUBMISSION UNDER
PCT No.: PCT/JP2005/005135	:	37 CFR 1.42
International Filing Date: 22 March 2005	:	
Priority Date: 27 July 2004	:	
Attorney's Docket No.: SIP018	:	
For: MIXING METHOD FOR POWDER	:	
MATERIAL AND LIQUID	:	
MATERIAL, AND MIXER	:	

This decision is issued in response to the "Response To Decision Regarding Submission Under 37 CFR 1.42" filed by applicant on 01 October 2008, treated herein as a renewed submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decision mailed by this Office on 08 August 2008. In that decision, the declaration filed on 09 June 2006 under 37 CFR 1.42 was rejected without prejudice for failure to include all required information. Specifically, the declaration did not include the citizenship of the deceased sole inventor.

On 01 October 2008, applicant filed the "Response To Decision Regarding Submission Under 37 CFR 1.42" considered herein, accompanied by a revised declaration.

DISCUSSION

The 01 October 2008 submission includes a declaration executed on behalf of deceased inventor Naganobu HAYABUSA by his legal representative Kyoko HAYABUSA. This declaration includes all required information with respect to the deceased inventor and the legal representative. Accordingly, acceptance under 37 CFR 1.42 and 1.497 of the declaration filed 01 October 2008 is appropriate.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 with respect to deceased inventor Naganobu HAYABUSA is **GRANTED**.

This application is being referred 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 01 October 2008.

Richard M. Ross
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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

Mail Date: 04/20/2010

Applicant	: Arno Willem Frederik Volker	: DECISION ON REQUEST FOR
Patent Number	: 7610822	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/582,282	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **588** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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16 JAN 2007

Wyatt, Tarrant & Combs, LLP
1715 Aaron Brenner Drive, Suite 800
Memphis, TN 38120-4367

In re Application of	:	
VAN DEN BERG	:	
Application No.: 10/582,287	:	
PCT No.: PCT/ZA04/00155	:	DECISION ON PETITION
Int. Filing Date: 10 December 2004	:	
Priority Date: 10 December 2003	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: A3110616US	:	
For: SUBMERSIBLY OPERABLE HIGH VOLUME AND LOW PRESSURE LIQUID TRANSFER EQUIPMENT	:	

The petition to revive under 37 CFR 1.137(b) filed 11 January 2007 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. 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 10 December 2003 under 35 U.S.C. 363 and will be given a date of **11 January 2007** 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.

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JAN 30 2008

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:
Kimura et al	:
Serial No.: 10/582,304	: PETITION DECISION
Filed: June 9, 2006	:
Attorney Docket No.: 14875-166US1 CI-A0323P-US	:

This is a response to the petitions under 37 CFR 1.59(b), filed July 23, 2007, to expunge information from the above identified application. This application has been assigned for examination, but no action has been taken as of the date of mailing of this decision.

Petitioner requests that envelope submitted July 23, 2007, as Proprietary Material be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

This is an unexamined application. As such the information provided has not been reviewed and the petition cannot be granted at this time. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application petition may be made for return of Proprietary Information Disclosure Statements.

The petition is **DISMISSED**. Applicants may resubmit the petition subsequent to allowance or other action which closes prosecution being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,304	04/20/2007	Naoki Kimura	14875-166US1 CI-A0323P-US	4817

26161 7590 07/17/2009
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
GUSSOW, ANNE	

ART UNIT	PAPER NUMBER
1643	

NOTIFICATION DATE	DELIVERY MODE
07/17/2009	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):

PATDOCTC@fr.com

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JUL 17 2009

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of:
Kimura et al.
Serial No.: 10/582,304
Filed: April 20, 2007
Attorney Docket No.: **14875-166US1 CI-A0323P-US**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed July 14, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that information submitted to the Patent Office on July 14, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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26 JUL 2007

TROUTMAN SANDERS, LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, NE
ATLANTA GA 30308

In re Application of CREE et al.	
Application No.: 10/582,313	DECISION ON PETITION
PCT No.: PCT/US04/41434	
Int. Filing: 08 December 2004	UNDER 37 CFR 1.47(a)
Priority Date: 08 December 2003	
Attorney Docket No.: 345US	
For: DIFFERENTIAL ENERGY COMPOSITES AND METHODS OF MANUFACTURING	

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 16 May 2007, to accept the application without the signature of joint inventor, Toni Rae Millikan. Applicant requests a one month extension of time, which is granted.

BACKGROUND

On 08 June 2006, 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 16 February 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, 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 16 May 2007, applicant filed the instant petition along with a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor, Toni Rae Millikan alleging that Ms. Millikan refuses to sign the application.

On 05 June 2007, a Notification of Acceptance was mailed inadvertently to applicant indicating that applicant had satisfied the requirements of 35 U.S.C. 371.

DISCUSSION

A review of the USPTO records reveals that applicant has not yet satisfied the requirements of 35 U.S.C. 371 and thus, the 5 June 2007 Notification of Acceptance was erroneously issued and is hereby **VACATED.**

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(g), (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, Toni Rae Millikan was provided. Petitioner submitted a declaration executed by the joint inventor, James W. Cree, satisfying Item (4) above.

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. The document may be redacted to remove material not related to the inventor's reasons for refusal.

(Emphasis added.)

Petitioner provided Dean Y. Shahriari's statement in support of the petition under 37 CFR 1.47(a). At the outset, it is noted that Mr. Shahriari's statement is not one of first hand knowledge. Such statement is required. Mr. Shahriari states that on 05 April 2007, a copy of *the declaration and power of attorney* was sent to Ms. Millikan for her signature. A copy of this letter was attached to the statement. It is clear that Petitioner did not present a complete copy of the application papers (including specification, claims and any drawings along with the declaration) for Ms. Millikan's signature. A complete copy of the application papers is required to apprise the inventor of the application to which the declaration is directed.

In addition, Petitioner provided a Federal Express tracking detail for delivery, which indicates that the package was delivered to Ms. Millikan's address on 06 April 2007. However, no signature for the delivery was obtained. Since Ms. Millikan did not sign for the papers delivered in 06 April 2007, it is not clear that Ms. Millikan actually received these papers. It may be that Ms. Millikan is no longer residing at the address provided. Petitioner must demonstrate with sufficient evidence that Ms. Millikan was presented with a complete copy of the application papers before it can be concluded that Ms. Millikan refuses to sign.

In sum, Petitioner has satisfied Items (1), (3) and (4) above. However, Petitioner has not satisfied Item (2) by demonstrating: (1) a *bona fide* attempt was made to present a *copy of the application papers for U.S. application 10/582,313 (specification, including claims, drawings, and declaration)* to the nonsigning inventor for her signature and (2) Ms. Millikan's refusal to sign, either in writing or by telephone, these documents.

For the reasons set forth above, the evidence submitted does not support a finding that the nonsigning inventor refuses 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**.

The 15 June 2007 Notification of Acceptance is hereby **VACATED.**

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.

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27 NOV 2007

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TROUTMAN SANDERS, LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, NE
ATLANTA GA 30308

In re Application of CREE et al.	:
Application No.: 10/582,313	: DECISION ON
PCT No.: PCT/US04/41434	:
Int. Filing: 08 December 2004	: RENEWED PETITION
Priority Date: 08 December 2003	:
Attorney Docket No.: 345US	:UNDER 37 CFR 1.47(a)
For: DIFFERENTIAL ENERGY COMPOSITES AND METHODS OF MANUFACTURING	:

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 21 September 2007, to accept the application without the signature of joint inventor, Toni Rae Millikan.

BACKGROUND

On 16 February 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, 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 16 May 2007, applicant filed a petition along with a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor, Toni Rae Millikan alleging that Ms. Millikan refuses to sign the application. On 16 May 2007, a decision dismissing the petition was mailed to applicant indicating that Petitioner had not demonstrated that a *bona fide* attempt was made to present a *copy of the application papers for U.S. application 10/582,313* to the nonsigning inventor.

On 26 September 2007, Petitioner filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

As previously stated, 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 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 Item (1), Item (3) and Item (4) above.

With respect to Item (2) above, Petitioner has submitted statements of first- hand

knowledge from patent agent Dean Y. Shahriari and patent paralegal Candice P. Dysart. The statements idicate that a letter to the non-signing inventor was sent on 12 September 2007, including a copy of the PCT international application and declaration requesting the non-signing inventor's signature on the application. This correspondence was delivered on 15 September 2007 to the inventor's last known address. As of the date of the petition, no response has been received.

The action taken by petitioner is sufficient to demonstrate that a *bona fide* attempt was made to present a copy of the application papers for U.S. application 10/582,313 (specification, including claims, drawings, and declaration) to the nonsigning inventor for her signature and that Ms Millikan refuses to sign the application papers. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a).

CONCLUSION

The petition under 37 CFR §1.47(a) is **GRANTED.**

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 17 May 2007. The application has an international filing date of 08 December 2004 under 35 U.S.C. 363, and a date of 16 May 2007 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.

Cynthia M. Kratz
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27 NOV 2007

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TONI RAE MILLIKAN
1848 COLT DRIVE
ATLANTA, GA 30341

In re Application of CREE et al.	:
Application No.: 10/582,313	: DECISION ON
PCT No.: PCT/US04/41434	:
Int. Filing: 08 December 2004	: RENEWED PETITION
Priority Date: 08 December 2003	:
Attorney Docket No.: 345US	:UNDER 37 CFR 1.47(a)
For: DIFFERENTIAL ENERGY COMPOSITES AND METHODS OF MANUFACTURING	:

Dear Ms. Millikan:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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OFFICE OF PETITIONS

MARSHALL, GERSTEIN &
BORUN, LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO IL 60606-6357

In re Application of : ON APPLICATION FOR
Lu, et al. : PATENT TERM ADJUSTMENT
Application No. 10/582,316 :
Filed: February 20, 2007 :
Atty Docket No. 31265/5868A :

This decision is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(b)," filed August 6, 2009. This matter is being properly treated as an application for patent term adjustment pursuant to 37 CFR §1.705(b).

Applicants submit that the correct patent term adjustment to be indicated on the patent is in excess of one hundred fifty (150) days if one uses as a reference the 6.5 months from the allowance date used by the PTO for estimating PTA at the time of allowance (See p. 4, petition), not nine (9) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent[1].

[1] Applicants state that no request for early processing under 35 U.S.C §371(f) was filed for the present application. See p.4, petition. This statement is inaccurate, as box 3 on the June 8, 2006 TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A NATIONAL STAGE FILING DATE UNDER 35 U.S.C. §371 was checked. However, because applicants did not satisfy all §371(c) requirements prior to the expiration of 30 months, the over three year delay will be calculated based on the application commencement date, which is June 10, 2006. See 35 U.S.C. §371(b).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the commencement date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee[2].

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[2] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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United States Patent and Trademark Office
P.O. Box 1450
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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED

MAY 03 2010

OFFICE OF PETITIONS

In re Patent of Lu et al.	:	DECISION ON REQUEST
Patent No. 7,645,859	:	FOR RECONSIDERATION OF
Issue Date: January 12, 2010	:	PATENT TERM ADJUSTMENT
Application No. 10/582,316	:	and
Filed: February 20, 2007	:	NOTICE OF INTENT TO ISSUE
Docket No. 31265/5868A	:	CERTIFICATE OF CORRECTION

This is a decision on the "APPLICATION FOR OF PATENT TERM UNDER 37 CFR § 1.705(d)," filed February 16, 2010. Patentees request that the patent term adjustment indicated in the patent be corrected from seventy (70) days to two hundred twenty-five (225) days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of two hundred twenty-five (225) days.

On January 12, 2010, the above-identified application matured into U.S. Patent No. 7,645,859. The instant request for reconsideration filed February 16, 2010 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 70 days. Patentees argue that the Office failed to properly calculate the period of delay under 35 U.S.C. § 154(b)(1)(B) ("B Delay"). In addition, patentees dispute the reduction of one hundred twenty (120) days due to "Workflow-Drawings Finished" as no drawings were submitted after the Notice of Allowance was mailed in the case.

Patentees assert the period of delay under 35 U.S.C. § 154(b)(1)(B) ("B Delay") is 216 days, beginning on June 11, 2009 and ending on January 12, 2010. Patentees assert the period of overlap between 35 U.S.C. § 154(b)(1)(A) ("A Delay") and B Delay as 36 days, beginning on December 8, 2009 and ending on January 12, 2010). The Office concurs with these assertions.

A review of the PALM calculations for this application reveals that the initial determination of PTA of 190 days was reduced by 120 days for applicant's submission of drawings after the mailing of the Notice of Allowance. *See* 37 CFR 1.704(c)(10). However, a review of the application record supports a conclusion that no drawings were filed in this application after the mailing of the Notice of Allowance.

In view thereof, the reduction of 120 days is not warranted and is being removed.

As such, the patent term adjustment indicated in the patent should have been two hundred twenty-five (225) days, which is 69 A Delay + 216 B Delay - 36 overlap - 24 Applicant Delay.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify these errors. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **two hundred twenty-five (225)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,645,859 B2

DATED : **January 12, 2010** **DRAFT**

INVENTOR(S) : Lu 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 U.S.C. 154(b) by 70 days

Delete the phrase "by 70 days" and insert – by 225 days--

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,321	05/22/2007	Robert D. Hill	049280-0102	4952

22428 7590 03/24/2010

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER	
BUI, PHUONG T	
ART UNIT	**PAPER NUMBER**
1638	

MAIL DATE	DELIVERY MODE
03/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAR 2 4 2010

In re Application of
HILL, ROBERT D. et. al.
Application No. 10/582,321
Filed: May 22, 2007
Attorney Docket No. 049280-0102

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed November 3, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(3) Examination of the U.S. application has not begun;
(4) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) that are the basis for the request.
(5) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(6) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. It is noted that two EPO office actions were listed in the IDS filed on 5/27/2009 and the copies of the office actions have been provided. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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.
10/582,332	04/02/2007	Norio Kurita	46884-5483 (227532)	4933

55694 7590 09/17/2009

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER	
TRAN, HUAN HUU	

ART UNIT	PAPER NUMBER
2861	

MAIL DATE	DELIVERY MODE
09/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

In re Application of
Norio KURITA, et al.
Application No.: 10/582,332
Filed: 2 April 2007
Attorney Docket No.:
46884-5483 (227532)
For: LASER PROCESSING DEVICE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 10 July 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
c. A statement that the English translation is accurate;

6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

It is noted that the claims correspondence table is not filled out, however the claim numbering is identical and the correspondence is identical except as noted on the claims correspondence form.

The request to participate in the PPH ~~pilot~~ program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian Sircus at 571 272 2058.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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29 AUG 2007

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

In re Application of	:	DECISION
KAMLEITER et al.	:	
Application No.: 10/582,349	:	
PCT No.: PCT/EP2004/010434	:	
Int. Filing Date: 17 September 2004	:	
Priority Date: 11 December 2003	:	
Attorney Docket No.: 51648	:	
For: METHOD FOR THE PRODUCTION OF TUBULAR MEMBRANES	:	

This decision is in response to applicants' submission filed 30 July 2007, which has properly been treated as a request for status under 37 CFR 1.43 for inventor Wilhelm-N. Gudernatsch and as a petition under 37 CFR 1.47(a) for inventor Michael Kamleiter.

BACKGROUND

On 17 September 2004, applicants filed international application PCT/EP2004/010434, which designated the United States and claimed a priority date of 11 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 07 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 June 2006 (June 2006 being a Sunday).

On 09 June 2006, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 21 February 2007, 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) and the surcharge under 37 CFR 1.492(h) were required.

On 30 July 2007, applicants filed the instant submission which has properly been treated as a request for status under 37 CFR 1.43 for inventor Wilhelm-N. Gudernatsch and as a petition under 37 CFR 1.47(a) for inventor Michael Kamleiter.

DISCUSSION

Request Under 37 CFR 1.43

The indication that inventor Wilhelm-N. Gudernatsch is suffering from severe mental illness and the execution of the declaration of inventors by his legal representative, Edith Gudernatsch, on his behalf has been treated as a request for status under 37 CFR 1.43.

The declaration does not include the residence, mailing address and citizenship of the person(s) signing on behalf of the legally incapacitated inventor (37 CFR 1.497(b)(2)) in addition to the full name and citizenship of the legally incapacitated inventor (37 CFR 1.497(a)(3)). Also, the declaration does not indicate that Edith Gudernatsch is the legal representative for the deceased inventor.

Additionally, the declaration of inventors signed by Edith Gudernatsch fails to comply with 37 CFR 1.497(a)-(b) because it executes the wrong international application (it executes PCT/EP2004/010304 rather than PCT/EP2004/010434).

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.

As to item (1), the petition fee of $200 has been charged to Deposit Account 18-2220.

Item (2) has not been met. MPEP § 409.03(d) states in part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Here, it is not clear that a copy of the application papers including the specification, claims, and drawings was not sent to Mr. Kamleiter (or rather to Mr. Robert Dorr who is acting as the representative of Mr. Kamleiter).

Additionally the declaration of facts of Martin Bartels states that Mr. Dorr refuses to sign unless compensated. Where there is an express refusal to sign, attention is directed to MPEP § 409.03(d) which states in part:

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.

Item (3) has not been met. While the last known address of Mr. Kamleiter has been provided, the address of his legal representative has not.

Item (4) has not been met. The declaration of inventors executes the wrong application number, indicates the wrong international filing date, and indicates the wrong title.

CONCLUSION

For the reasons set forth above, the request for status under 37 CFR 1.43 is **REFUSED**.

For the reasons set forth above, the petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition under 37 CFR 1.47(a) and/or 37 CFR 1.43 is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a) [and/or 37 CFR 1.43, as appropriate]." No additional petition fee is required.

Failure to timely file a proper reply will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

In re Application of	:	DECISION
KAMLEITER et al.	:	
Application No.: 10/582,349	:	
PCT No.: PCT/EP2004/010434	:	
Int. Filing Date: 17 September 2004	:	
Priority Date: 11 December 2003	:	
Attorney Docket No.: 51648	:	
For: METHOD FOR THE PRODUCTION OF TUBULAR MEMBRANES	:	

This decision is in response to applicants' "RENEWED PETITION OF APPLICATION UNDER 37 CFR 1.47(A) AND/OR 1.43" filed 16 October 2007.

BACKGROUND

On 17 September 2004, applicants filed international application PCT/EP2004/010434, which designated the United States and claimed a priority date of 11 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 07 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 June 2006 (June 2006 being a Sunday).

On 09 June 2006, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 21 February 2007, 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) and the surcharge under 37 CFR 1.492(h) were required.

On 30 July 2007, applicants filed a submission which was properly treated as a request for status under 37 CFR 1.43 for inventor Wilhelm-N. Gudernatsch and as a petition under 37 CFR 1.47(a) for inventor Michael Kamleiter.

On 29 August 2007, a decision was mailed refusing the request for status under 37 CFR 1.43 and dismissing without prejudice the petition under 37 CFR 1.47(a).

On 16 October 2007, applicants filed the instant "RENEWED PETITION OF APPLICATION UNDER 37 CFR 1.47(A) AND/OR 1.43" which was accompanied by, *inter alia*, a supplemental declaration of facts by Martin Bartels and a new declaration of inventors.

DISCUSSION

Request Under 37 CFR 1.43

As noted in the decision mailed 29 August 2007, the indication that inventor Wilhelm-N. Gudernatsch is suffering from severe mental illness and the execution of the declaration of inventors by his legal representative, Edith Gudernatsch, on his behalf has been treated as a request for status under 37 CFR 1.43.

The declaration of inventors filed 16 October 2007 does not include the residence, mailing address and citizenship of the person(s) signing on behalf of the legally incapacitated inventor (37 CFR 1.497(b)(2)) in addition to the full name and citizenship of the legally incapacitated inventor (37 CFR 1.497(a)(3)). Also, the declaration does not indicate that Edith Gudernatsch is the legal representative for the deceased inventor. The supplemental statement of facts by Martin Bartels states that Edith Gudernatsch is the legal representative for the deceased inventor and states her residence, mailing address and citizenship. However, as noted above, the information is required to be in the declaration of inventors.

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.

Item (1) has been satisfied.

Item (2) has not been met. MPEP § 409.03(d) states in part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Here, it is still not clear that a copy of the application papers including the specification, claims, and drawings was sent to Mr. Kamleiter (or rather to Mr. Robert Dorr who is acting as the representative of Mr. Kamleiter). The supplemental statement of facts by Martin Bartels

indicates that he sent a letter 02 November 2006 "requesting Dipl.Ing Christian Dahlberg to transmit a copy of the above-identified appliation and the declaration and assignment therefor to Mr. Kamleiter for him to sign and return." MPEP § 409.03(d) 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.

No statement of facts by a person having firsthand knowledge of the sending of a copy of the application papers has been provided.

Item (3) has now been met.

Item (4) has not been met. As noted above, the declaration of inventors filed 16 October 2007 fails to comply with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the request for status under 37 CFR 1.43 is **REFUSED**.

For the reasons set forth above, the petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition under 37 CFR 1.47(a) and/or 37 CFR 1.43 is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a) [and/or 37 CFR 1.43, as appropriate]." No additional petition fee is required.

Failure to timely file a proper reply will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
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1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

In re Application of	:	DECISION
KAMLEITER et al.	:	
Application No.: 10/582,349	:	
PCT No.: PCT/EP2004/010434	:	
Int. Filing Date: 17 September 2004	:	
Priority Date: 11 December 2003	:	
Attorney Docket No.: 51648	:	
For: METHOD FOR THE PRODUCTION OF TUBULAR MEMBRANES	:	

This decision is in response to applicants' "SECOND RENEWED PETITION OF APPLICATION UNDER 37 CFR 1.47(A) AND/OR 1.43" filed 08 January 2008.

BACKGROUND

On 17 September 2004, applicants filed international application PCT/EP2004/010434, which designated the United States and claimed a priority date of 11 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 07 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 June 2006 (June 2006 being a Sunday).

On 09 June 2006, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 21 February 2007, 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) and the surcharge under 37 CFR 1.492(h) were required.

On 30 July 2007, applicants filed a submission which was properly treated as a request for status under 37 CFR 1.43 for inventor Wilhelm-N. Gudernatsch and as a petition under 37 CFR 1.47(a) for inventor Michael Kamleiter.

On 29 August 2007, a decision was mailed refusing the request for status under 37 CFR 1.43 and dismissing without prejudice the petition under 37 CFR 1.47(a).

On 16 October 2007, applicants filed a "RENEWED PETITION OF APPLICATION UNDER 37 CFR 1.47(A) AND/OR 1.43" which was accompanied by, *inter alia*, a supplemental declaration of facts by Martin Bartels and a new declaration of inventors.

On 26 November 2007, a decision was mailed refusing the request for status under 37 CFR 1.43 and dismissing without prejudice the petition under 37 CFR 1.47(a).

On 08 January 2008, applicants filed the instant "SECOND RENEWED PETITION OF APPLICATION UNDER 37 CFR 1.47(A) AND/OR 1.43", which was accompanied by, *inter alia*, a new declaration of inventors and a supplemental declaration of facts by Martin Bartels.

DISCUSSION

Request Under 37 CFR 1.43

The submission filed 08 January 2008 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 08 January 2008 is in compliance with 37 CFR 1.497(a)-(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 on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been satisfied.

Item (2) has not been met. Applicants' previous two petitions attempted to establish a refusal to sign. (The declaration of facts by Martin Bartels filed 30 July 2007 indicates that Mr. Kamleiter is suffering from severe mental illness and theat he was represented by attorney-at-law Mr. Robert Dorr. The supplemental declaration of facts by Martin Bartels filed 16 October 2007 indicates that Mr. Dorr stated that his client refused to sign.) The instant petition attempts to establish that the non-signing inventor Michael Kamleiter cannot be located. (The supplemental declaration of facts by Martin Bartels filed 08 January 2008 states that a package containing a copy of the application was mailed to the last known address of non-signing inventor Michael Kamleiter and that the package was returned as undeliverable.) The two are distinct. See MPEP § 409.03(d), item I. "Inventor Cannot Be Reached" and item II. "Refusal to Join." The reason for this change from attempting to establish a refusal to sign to attempting to establish that the inventor cannot be located is unclear. Rather than sending a copy of the application papers to Mr. Kamleiter's representative Robert Dorr, the application papers were sent directly to Mr. Kamleiter, which were returned as undeliverable. No mention is made regarding Mr. Dorr's representation of Mr. Kamleiter. A copy of the application papers should be sent to Mr. Dorr.

Attention is directed to MPEP § 409.03(d), item II, for a discussion of the requirements for establishing a refusal to sign.

If for some reason Mr. Dorr is no longer representing Mr. Kamleiter, it must be established that Mr. Kamleiter cannot be located. This would require an effort being made to locate Mr. Kamleiter, which may include contacting Mr. Dorr to determine whether Mr. Kamleiter left him with a forwarding address. Additionally, copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, and telegrams, that support a finding that the non-signing inventor or inventors could not be found or reached should be made part of the affidavit or declaration. See MPEP § 409.03, item I.

CONCLUSION

For the reasons set forth above, the request for status under 37 CFR 1.43 is **ACCEPTED**.

For the reasons set forth above, the petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition under 37 CFR 1.47(a) is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Failure to timely file a proper reply will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

2 3 JUN 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

In re Application of	:	DECISION
KAMLEITER et al.	:	
Application No.: 10/582,349	:	
PCT No.: PCT/EP2004/010434	:	
Int. Filing Date: 17 September 2004	:	
Priority Date: 11 December 2003	:	
Attorney Docket No.: 51648	:	
For: METHOD FOR THE PRODUCTION OF TUBULAR MEMBRANES	:	

This decision is in response to applicants' "THIRD RENEWED PETITION OF APPLICATION UNDER 37 CFR 1.47(A) AND/OR 1.43" filed 03 April 2008.

BACKGROUND

On 17 September 2004, applicants filed international application PCT/EP2004/010434, which designated the United States and claimed a priority date of 11 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 07 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 June 2006 (June 2006 being a Sunday).

On 09 June 2006, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 21 February 2007, 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) and the surcharge under 37 CFR 1.492(h) were required.

On 30 July 2007, applicants filed a submission which was properly treated as a request for status under 37 CFR 1.43 for inventor Wilhelm-N. Gudernatsch and as a petition under 37 CFR 1.47(a) for inventor Michael Kamleiter.

On 29 August 2007, a decision was mailed refusing the request for status under 37 CFR 1.43 and dismissing without prejudice the petition under 37 CFR 1.47(a).

On 16 October 2007, applicants filed a "RENEWED PETITION OF APPLICATION UNDER 37 CFR 1.47(A) AND/OR 1.43" which was accompanied by, *inter alia*, a supplemental declaration of facts by Martin Bartels and a new declaration of inventors.

On 26 November 2007, a decision was mailed refusing the request for status under 37 CFR 1.43 and dismissing without prejudice the petition under 37 CFR 1.47(a).

On 08 January 2008, applicants filed a "SECOND RENEWED PETITION OF APPLICATION UNDER 37 CFR 1.47(A) AND/OR 1.43", which was accompanied by, *inter alia*, a new declaration of inventors and a supplemental declaration of facts by Martin Bartels.

On 04 February 2008, a decision was mailed accepting the request for status under 37 CFR 1.43 and dismissing without prejudice the petition under 37 CFR 1.47(a).

On 03 April 2008, applicants submitted the instant "THIRD RENEWED PETITION OF APPLICATION UNDER 37 CFR 1.47(A) AND/OR 1.43", which was accompanied by, *inter alia*, a third supplemental declaration of facts by Martin Bartels, a copy of a letter from Mr. Bartels to Mr. Dorr dated 21 February 2008 and an English translation thereof, a copy of a letter from Mr. Dorr to Mr. Bartels dated 25 February 2008 and an English translation thereof, a copy of a letter from mr. Bartels to non-signing inventor Michael Kamleiter dated 04 March 2008 and an English translation thereof, and a signed registered return receipt dated 07 March 2008 and an English translation thereof.

DISCUSSION

Request Under 37 CFR 1.43

The submission filed 08 January 2008 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 08 January 2008 is in compliance with 37 CFR 1.497(a)-(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 on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been satisfied. As to item (3), it is clear from the submission filed 03 April 2008 that Mr. Kamleiter's current address is Talstr. 73, 70188 Stuttgart, Germany.

Item (2) has now been met as well. It has been established that Mr. Kamleiter has been presented with the application papers. Mr. Kamleiter's conduct, as outlined in the statements of facts accompanying the petition, constitutes a refusal to sign.

CONCLUSION

For the reasons set forth above, the request for status under 37 CFR 1.43 is **ACCEPTED**.

For the reasons set forth above, applicants' renewed 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 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 **08 January 2008**.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

23 JUN 2008

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Michael Kamleiter
Talstr. 73
70188 Stuttgart
Germany

In re Application of
KAMLEITER et al.
Application No.: 10/582,349
PCT No.: PCT/EP2004/010434
Int. Filing Date: 17 September 2004
Priority Date: 11 December 2003
Attorney Docket No.: 51648
For: METHOD FOR THE PRODUCTION OF TUBULAR MEMBRANES

Dear Mr. Kamleiter:

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 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

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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

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 07/06/2010

Applicant	: Toshihiro Hirano	: DECISION ON REQUEST FOR
Patent Number	: 7638199	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/582,362	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **589** 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/13/09

TO SPE OF : ART UNIT 3612

SUBJECT : Request for Certificate of Correction for Appl. No.: 10582371 Patent No.: 7452026 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: _____

2/17/09

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

SPE **Art Unit** 3612

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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

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JAN 23 2009

OFFICE OF PETITIONS

In re Application of :
Thomas N. Horsky et al.. :
Application No. 10/582,392 : DECISION ON PETITION
Filed: June 28, 2007 :
Attorney Docket No. 211843-00044 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 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, March 17, 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 June 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 an amendment, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 2881 for appropriate action by the Examiner in the normal course of business on the reply received.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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STEIN MCEWEN & BUI, LLP
1400 EYE STREET, NW STE. 300
WASHINGTON, DC 20005

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AUG 0 9 2007

OFFICE OF PETITIONS

In re Application of :
Andreas Siemens :
Application No. 10/582,396 : DECISION ON PETITION
Filed: June 12, 2006 : TO WITHDRAW
Attorney Docket No. 0034-1001 : 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 15, 2007.

The request is **DISMISSED**.

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 to withdraw less than all attorneys appointed by customer number 49455 cannot be approved because power of attorney was given by customer number. The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number should be made by submitting a "Request for Customer Number Data Change" (PTO/SB/124) which will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest who appointed all of the practitioners associated with such Customer Number. See MPEP 403 Section I. Customer Number Practice.

There are no outstanding Office actions at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: George H. Spencer
c/o Dennison, Schultz & MacDonald
1727 King Street
Suite 105
Alexandria, VA 22314

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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AUG 13 2007

OFFICE OF PETITIONS

In re Application of :
Gruner, George :
Application No. 10/582,407 : DECISION ON PETITION
Filed: June 09, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. **58086-232072** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 05, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the inventor's driver's license as evidence that George Gruner is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

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 1754 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

01 JUL 2008

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David M. Ostfeld
Adams and Reese, LLP
4400 One Houston Center
1221 McKinney
Houston TX 77010

In re Application of	:	
WOFFORD et al.	:	
U.S. Application No.: 10/582,412	:	
PCT No.: PCT/US05/04950	:	
Int. Filing Date: 16 February 2005	:	DECISION ON PETITION
Priority Date: 17 February 2004	:	UNDER 37 CFR 1.47(a)
Attorney Docket No.: 1023128	:	
For: TRAVEL MONITORING	:	
	:	

This decision is issued in response to applicants' "Petition to Accept Oath or Declaration under 37 CFR 1.47(a)" filed 30 May 2008 to accept the application without the signature of joint-inventor, Ashton R. Adams.

BACKGROUND

On 16 February 2005, applicants filed international application PCT/US05/04950 which claimed a priority date of 17 February 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 17 August 2006.

On 09 June 2006, 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 copy of the international search report.

On 29 November 2007, 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 30 May 2008, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), 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 Ashton R. Adams's refusal to execute the application papers is contained in the "Declaration of Cynthia L. Baldemor" (and statements of David M. Ostfeld) included in the petition, 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, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("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 available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (Ashton R. Adams). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Ashton R. Adams under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(c), 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(c) 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
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

01 JUL 2008

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Ashton R. Adams
6208 Red Canyon Drive #C
Highland Ranch, Colorado 80130

In re Application of
WOFFORD et al.
U.S. Application No.: 10/582,412
PCT No.: PCT/US05/04950
Int. Filing Date: 16 February 2005
Priority Date: 17 February 2004
Attorney Docket No.: 1023128
For: TRAVEL MONITORING

Dear Ashton R. Adams:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
David M. Ostfeld
Adams and Reese
4400 One Houston Center
1221 McKinney
Houston TX 77010

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DEC 26 2007

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:
Toshihiko Ohtomo et al	:
Serial No.: 10/582,413	: PETITION DECISION
Filed: June 9, 2006	:
Attorney Docket No.: 14875-134/US1	:

This is in response to the petition under 37 CFR 1.59(b), filed July 23, 2007, to expunge a Proprietary Information Disclosure Statement from the above identified application.

Petitioner requests that documents submitted with the petition as a Proprietary Information Disclosure Statement (PIDS) be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The information submitted as proprietary material was submitted in accordance with M.P.E.P. 724. This is an unexamined application and the material has yet to be reviewed. Therefore, the petition cannot be granted at this time. Upon determination of patentability as evidenced by a Notice of Allowability or abandonment of the application the material will be returned upon submission of a renewed petition. No additional petition fee will be due for the renewed petition.

The petition is **DISMISSED** with prejudice to submission of a renewed petition at an appropriate time.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at general Office facsimile number.

John LeGuyader
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,413	10/26/2006	Toshihiko Ohtomo	14875-164US1 C1-A0321P-US	7418

26161 7590 07/17/2009
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
DUFFY, BRADLEY	

ART UNIT	PAPER NUMBER
1643	

NOTIFICATION DATE	DELIVERY MODE
07/17/2009	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):

PATDOCTC@fr.com

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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

JUL 17 2009

In re Application of:
Ohtomo et al.
Serial No.: 10/582,413
Filed: October 26, 2006
Attorney Docket No.: **14875-164US1 C1-A0321P-US**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed July 14, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that information submitted to the Patent Office on July 14, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 04/21/2010

Applicant	: Matthew David Lutzke	: DECISION ON REQUEST FOR
Patent Number	: 7578529	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/582,424	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **324** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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September 23, 2009

Raymond A. DiPerna
c/o Ladas & Parry LLP
26 West 61st Street
New York, NY 10023

Patent No.: 7,546,937 B2
Application No.: 10/582,472
Inventor (s): Tsuneo Kondo, et al.
Issued: June 16, 2009
Title: **POURED MOLTEN METAL QUANTITY CONTROL DEVICE**

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 matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-0025 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(571) 272-0460
vt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

COPY MAILED
MAR 19 2010

In re Patent No. 7,546,937 :
Issue Date: June 16, 2009 :
Application No. 10/582,472 : ON PETITION
Filed: June 12, 2006 :
Attorney Docket No. U 016340-0 :

This is a decision on the petition filed September 16, 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**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

Mail Date: 04/20/2010

Applicant	: Sabine Hitzel	: DECISION ON REQUEST FOR
Patent Number	: 7592000	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/582,500	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **77** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

Mail Date: 05/17/2010

Applicant : Sabine Hitzel
Patent Number : 7592000
Issue Date : 09/22/2009
Application No: 10/582,500
Filed : 06/09/2006

: 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 **134** 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).

08 SEP 2006

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Young & Thompson
745 South 23rd Street
Arlington, VA 22202

In re Application of	
ESCARGUEL, Hugues	
Application No.: 10/582,510	DECISION
PCT No.: PCT/FR03/03092	
Int. Filing Date: 20 October 2003	ON PETITION UNDER
Priority Date: 10 December 2002	
Docket No.: 0573-1037	37 CFR 1.137(b)
For: THREE- OR FOUR-WHEELED, PEDAL-POWERED VEHICLE	

Applicant's "Petition to Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b)," filed in the above-captioned application on 09 June 2006 is **GRANTED**.

Applicant indicates 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 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.

Applicant has supplied a declaration in compliance with 37 CFR 1.497(a)-(b), the fee for late furnishing of the search fee, examination fee or oath or declaration and the processing fee for late filing of the translation.

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 09 June 2006 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

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Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

COPY MAILED

FEB 26 2010

In re Application of
Jin-Woo Lee
Application No. 10/582,529
Filed: November 25, 2008
Attorney Docket No. AB-1913 US

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed December 16, 2009.

The request is **NOT APPROVED**.

The request cannot be approved because practitioner/practitioners associated with Customer Number 32605 requesting the withdrawal have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond. The failure to do so may subject the practitioner to discipline[1]. *See USPTO Form No. PTO/SB/83.*

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Jin-Woo Lee
c/o Foley & Lardner, LLP
111 Huntington Avenue
Boston, MA 02199

[1] Practitioner should note that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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LAWRENCE EDELMAN, ESQ
3 BUFFALO RUN
EAST BRUNSWICK, NJ 08816

MAILED

APR 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Eric J. Argentar	:	DECISION ON PETITION
Application No. 10/582,537	:	TO WITHDRAW
Filed: June 9, 2006	:	FROM RECORD
Attorney Docket No. 6AA01P/US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2010.

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 will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which 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 replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Lawrence C. Edelman on behalf of all practitioners of record who are associated with Customer Number 25894.

All attorneys/agents associated with the Customer Number 25894 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the address indicated below.

There is an outstanding Notice of Allowance and Fee(s) Due mailed January 26, 2010 that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the status of the application should be directed to the Office of Data Management.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: ERIC J. ARGENTAR
4721 IRIS PLACE
ROCKVILLE, MD 20853

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/582,537	06/09/2006	Eric J. Argentar	6AA01P/US

CONFIRMATION NO. 9976

25894
LAWRENCE EDELMAN, ESQ
3 BUFFALO RUN
EAST BRUNSWICK, NJ 08816

POWER OF ATTORNEY NOTICE

OC000000041261796

Date Mailed: 04/23/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2010.

- 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.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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THOMAS J. BURGER
WOOD, HERRON & EVANS
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202-2917

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AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of :
Thomas Scherer, et al. :
Application No. 10/582,572 : ON PETITION
Filed: June 12, 2006 :
Attorney Docket No. WUE-56 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2009, to revive the above-identified application.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 18, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). Since the amendment submitted does not prima facie place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED** *nunc pro tunc*.

The Technology Center was without authority to act further in the case absent a grantable petition reviving this application after abandonment. Nevertheless, in view of this decision on petition the RCE is now considered a proper filing and the actions of the Technology Center taken thereafter are hereby ratified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3644 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