29 JUN 2007

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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
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MINNEAPOLIS, MN 55402-3319

In re Application of ROUXEL et al :
U.S. Application No.: 10/587,908 :
PCT Application No.: PCT/FR2004/003378 :
Int. Filing Date: 23 December 2004 : DECISION
Priority Date Claimed: 30 January 2004 :
Attorney Docket No.: W51.12-0032 :
For: MULTI-MODULATION RECEPTION :
METHOD . . . :

This is in response to applicant's "Petition by Joint Inventor(s) Filing on Behalf of Other Joint Inventor(s) Who Refuse(s) to Join in Application or Cannot be Reached (37 C.F.R. § 1.47(a))" filed 18 June 2007.

BACKGROUND

On 23 December 2004, applicant filed international application PCT/FR2004/003378, which claimed priority of an earlier France application filed 30 January 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 09 September 2005. The thirty-month period for paying the basic national fee in the United States expired on 30 July 2006.

On 28 July 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 19 April 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 18 June 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 a declaration signed by the available inventor on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

The petition states that joint inventor Damien Pouessel cannot be located. However, the petition does not adequately demonstrate that a diligent effort was made to find Pouessel. Although the petition shows that attempts were made to reach Pouessel by postal mail (see affidavit of Patrice Vidon), the petition does not establish that other methods of contacting Pouessel were attempted, e.g. by telephone, by electronic mail, and by searching public directories. Thus, it would not be reasonable to conclude at the present time that Pouessel cannot be located.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is 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

0 1 FEB 2008

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In re Application of ROUXEL et al	:	
U.S. Application No.: 10/587,908	:	
PCT Application No.: PCT/FR2004/003378	:	
Int. Filing Date: 23 December 2004	:	DECISION
Priority Date Claimed: 30 January 2004	:	
Attorney Docket No.: W51.12-0032	:	
For: MULTI-MODULATION RECEPTION METHOD . . .	:	

This is in response to applicant's "Response to Decision on Petition by Joint Inventor(s) Filing on Behalf of Other Joint Inventor(s) Who Refuse(s) to Join in Application or Cannot be Reached (37 C.F.R. § 1.47(a))" filed 31 December 2007.

BACKGROUND

On 23 December 2004, applicant filed international application PCT/FR2004/003378, which claimed priority of an earlier France application filed 30 January 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 09 September 2005. The thirty-month period for paying the basic national fee in the United States expired on 30 July 2006.

On 28 July 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 19 April 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 18 June 2007, applicant filed a petition under 37 CFR 1.47(a).

On 29 June 2007, this Office mailed a decision dismissing the 18 June 2007 petition.

On 31 December 2007, applicant 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) 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.

Petitioner has previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

The petition states that joint inventor Damien Pouessel cannot be located. The renewed petition adequately demonstrates that a diligent effort was made to find Pouessel. Attempts were made to reach Pouessel by postal mail (see 06 May 2007 affidavit of Patrice Vidon), by contacting Pouessel's former employer (see 31 December 2007 affidavit of Patrice Vidon, ¶5), and by searching telephone directories (see 31 December 2007 Vidon affidavit, ¶6), but all of the attempts were unsuccessful. Thus, it can be concluded with reasonable certainty that Pouessel cannot be located after diligent effort.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 23 December 2004 and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 18 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

01 FEB 2008

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Damien Pouessel
14, avenue Croix Guérin
14000 CAEN
FRANCE

In re Application of ROUXEL et al
U.S. Application No.: 10/587,908
PCT Application No.: PCT/FR2004/003378
Int. Filing Date: 23 December 2004
Priority Date Claimed: 30 January 2004
For: MULTI-MODULATION RECEPTION METHOD . . .

Dear Damien Pouessel:

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

WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3319
Attorney Docket No.: W51.12-0032

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24 AUG 2006

John L. Welsh
Welsh & Flaxman LLC
2000 Duke Street, Suite 100
Alexandria, VA 22314

In re Application of :
OGILVIE, William :
Application No.: 10/587,912 : DECISION ON PETITION
PCT No.: PCT/GB04/04205 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 01 October 2004 :
Priority Date: 30 October 2003 :
Attorney Docket No.: GJE-004 :
For: METHOD AND APPARATUS FOR THE MANUFACTURE OF ELECTRIC CIRCUITS :

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 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 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

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Alexandria, VA 22313-1450
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MARSHALL & MELHORN, LLC
FOUR SEAGATE - EIGHTH FLOOR
TOLEDO OH 43604

In re Application of	:	
LEOPOLD, Eugen	:	
U.S. Application No.: 10/587,920	:	
PCT No.: PCT/EP2005/000367	:	DECISION ON
Int. Filing Date: 15 January 2005	:	
Priority Date: 05 February 2004	:	PETITION
Attorney Docket No.: 1-17498	:	
For: REDUCTION OF BIURET AND FREE AMMONIA DURING A METHOD FOR PRODUCING FERTILIZER GRANULATES CONTAINING UREA	:	UNDER 37 CFR 1.181

This is a decision on the petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 11 June 2008.

BACKGROUND

On 27 February 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) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 12 May 2008, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely reply to the Notification of Missing Requirements.

On 11 June 2008, applicants filed a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

DISCUSSION

Applicants claim to have submitted a timely response to the Notification of Missing Requirements and ask that holding of abandonment be withdrawn. To withdraw the holding of abandonment, applicants must provide sufficient evidence of an earlier, timely filing with the Office and a copy of the earlier submission.

Applicants have provided a date-stamped postcard receipt identifying the above captioned application and listing a declaration. Applicants have provided a copy of the declaration they claim to have earlier submitted. The copy of the declaration is accepted as having a receipt date of 05 March 2007.

CONCLUSION

For the above reason, applicants' request to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 12 May 2008 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of **05 March 2007**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Phone: (571) 272-3292
Fax: (571) 273-0459

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

Mail Date: 06/01/2010

Applicant	: Maeiwa Tetsuji	: DECISION ON REQUEST FOR
Patent Number	: 7650018	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/587,930	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **562** 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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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

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JAN 24 2008

OFFICE OF PETITIONS

In re Application of :
Ryo Sakurai, et al. :
Application No. 10/587,936 : DECISION GRANTING PETITION
Filed: August 2, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q96392 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 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 January 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 regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 2873 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Karen Creasy
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.*

05 MAR 2007

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www.uspto.gov

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON DC 20006

In re Application of	:	
MIYAKOSHI et al.	:	DECISION ON
Application No.: 10/587,949	:	
PCT No.: PCT/JP2005/001809	:	PAPERS
Int. Filing Date: 08 February 2005	:	
Priority Date: 17 February 2004	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 060434	:	
For: COLLOIDAL METAL-CONTAINING URUSHI LACQUER AND URUSHI LACQUERED ARTICLE	:	

This is a decision on the submission filed by applicants on 02 August 2006, which was accompanied by, *inter alia*, a declaration of the inventors. The indication in this declaration that inventor Kisuke Nagase is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 08 February 2005, applicants filed international application PCT/JP2005/001809 which claimed a priority date of 17 February 2004 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 25 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 August 2006.

On 02 August 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee, an English translation of the international application, and a declaration of inventors. The indication in this declaration that inventor Kisuke Nagase is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The declaration filed 02 August 2006 fails to comply with 37 CFR 1.497(a)-(b). The declaration does not include the full name *and citizenship* of the deceased inventor (37 CFR 1.497(a)(3)).

Additionally, the declaration of inventors filed 02 August 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.

CONCLUSION

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

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

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 and 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 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

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

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P.O. Box 1450
Alexandria, VA 22313-1450
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16 AUG 2007

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON DC 20006

In re Application of	:	
MIYAKOSHI et al.	:	DECISION ON
Application No.: 10/587,949	:	
PCT No.: PCT/JP2005/001809	:	PAPERS
Int. Filing Date: 08 February 2005	:	
Priority Date: 17 February 2004	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 060434	:	
For: COLLOIDAL METAL-CONTAINING URUSHI LACQUER AND URUSHI LACQUERED ARTICLE	:	

This is a decision on the "RESPONSE TO DECISION ON PAPERS UNDER 37 CFR 1.42 AND RENEWED SUBMISSION UNDER 37 CFR 1.42" filed by applicants on 29 May 2007, which was accompanied by, *inter alia*, a declaration of the inventors.

BACKGROUND

On 08 February 2005, applicants filed international application PCT/JP2005/001809 which claimed a priority date of 17 February 2004 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 25 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 August 2006.

On 02 August 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee, an English translation of the international application, and a declaration of inventors. The indication in this declaration that inventor Kisuke Nagase is deceased has been treated as a request for status under 37 CFR 1.42.

On 05 March 2007, a decision was mailed refusing applicants' request for status under 37 CFR 1.42 because the declaration did not include the full name *and citizenship* of the deceased inventor (37 CFR 1.497(a)(3)). The decision also noted that the declaration of inventors was not in compliance with 37 CFR 1.69(b) because applicants had not used one of the pre-approved foreign language forms nor had applicants furnished the requisite statement attesting to the accuracy of the translation.

On 29 May 2007, applicants filed the instant "RESPONSE TO DECISION ON PAPERS

UNDER 37 CFR 1.42 AND RENEWED SUBMISSION UNDER 37 CFR 1.42", which was accompanied by a one-month extension of time and a new declaration of inventors.

DISCUSSION

The submission filed 29 May 2007 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 29 May 2007 is in compliance with 37 CFR 1.497(a)-(b). It is also in compliance with 37 CFR 1.69(b) because it is one of the pre-approved foreign language forms.

CONCLUSION

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.

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 OCT 2006

ROBERT W PITTS
PO BOX 11483
WINSTON-SALEM NC 27116-1483

In re Application of:
HIGGINS, Darrell, Grayson
U.S. Application No.: 10/587,954
PCT No.: PCT/US2004/043938
International Filing Date: 28 December 2004
Priority Date: 02 January 2004
Atty Docket No.: 06036
For: SLIDE BODY INTERNAL COMBUSTION ENGINE

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 01 August 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" satisfies the requirements of 37 CFR 1.137(b)(3).

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

It is noted that the international application as filed included a properly executed declaration under PCT Rule 4.17(iv).

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 01 August 2006.

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

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

MILLEN, WHITE, ZELANO & BRANIGAN, PC
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

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In re Application of	:	
Philippe Guedat, et al.	:	
Application No. 10/587,975	:	DECISION GRANTING PETITION
Filed: August 3, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. MERCK-3216	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 8, 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 4, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries 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 1625 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

[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.*

29 AUG 2006

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MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, IL 60606

In re Application of :
LETTINGTON :
U.S. Application No.: 10/587,985 :
PCT No.: PCT/GB2005/000239 :
Int. Filing Date: 21 January 2005 :
Priority Date: 22 January 2004 :
Attorney Docket No.: 06007/42226 :
For: ILLUMINATION METHOD AND APPARATUS :

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

Applicant's petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 03 August 2006 is hereby **GRANTED** as follows:

The basic national fee and the petition fee have been paid. Applicants make the required statement pursuant to 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.

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 $130.00 surcharge fee pursuant to 37 CFR 1.492(h) are required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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

MAILED

OCT 21 2009

OFFICE OF PETITIONS

In re Application of	:	
Pegelow et al.	:	
Application No. 10/587,988	:	DECISION ON PETITION
Filed: March 5, 2007	:	
Attorney Docket No. H05842 (13744*16)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 28, 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 final Office action mailed, March 25, 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 June 26, 2009. A Notice of Abandonment was mailed September 30, 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 continuation, (2) the petition fee of $1,620.00, and (3) an adequate statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 12/567,222, filed September 25, 2009.

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 $1,110.00, three- month extension of time fee submitted on September 28, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card in due course.

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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Alexandria, VA 22313-1450
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01 APR 2008

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108

In re Application of
YANKE et al.
U.S. Application No. 10/587,992
PCT No.: PCT/US05/31248
Int. Filing Date: 01 September 2005
Priority Date: None
Attorney Docket No.: 093144-9030
For: SHIELDED DEVICE CONTAINMENT VESSEL

DECISION ON REQUEST

This decision is issued in response to applicants' "Request to Correct Inventorship under 37 CFR 1.48(a)" filed 28 February 2007 which is being treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 01 September 2005, applicants filed international application PCT/US05/31248 which claimed no priority date. The published international application identified three applicant/inventors with respect to the United States: Charles H. YANKE; Brian M. SCHABER; and Scott H. YANKE. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the international filing date, 01 March 2008.

On 28 July 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 and a declaration. The declaration only identified two of the three inventors of record herein. (Scott H. YANKE was omitted.)

On 28 February 2007, applicant filed "Request to Correct Inventorship under 37 CFR 1.48(a)." The request included a statement by Scott H. YANKE relating to an effort to add Scott H. YANKE as an inventor (despite the fact that Scott H. YANKE is already a named inventor).

DISCUSSION

The inventors of record for this application are, as set forth in the published international application, Charles H. YANKE; Brian M. SCHABER; and Scott H. YANKE.

The failure to list all three inventors on the declaration filed 28 July 2006 did not effect the inventorship herein. Accordingly, to the extent that applicants' submission seeks to add Scott H. YANKE as an inventor, the submission is moot.

The declaration, however, filed on 28 July 2006 and 28 February 2007 are defective. Specifically, 37 CFR 1.497(a)(3) states that, among other information, the declaration must identify "each inventor and the country of citizenship of each inventor." Here, neither of the two declarations filed by applicants satisfy this requirement. The 28 July 2006 declaration identifies only two of the three inventors, whereas, the 28 February 2007 declaration identifies only one of the three inventors. Accordingly, neither of these declarations complies with 37 CFR 1.497(a)(3) and a newly executed declaration in compliance with 37 CFR 1.497(a)-(b) is required.

CONCLUSION

Applicant's request to add Scott H. YANKE as an inventor is **DISMISSED as MOOT**, in that, Scott H. YANKE is already an inventor of record for the present application.

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 is required.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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0 3 MAR 2008

HAMMER & HANF, PC
3125 SPRINGBANK LANE
SUITE G
CHARLOTTE NC 28226

In re Application of	:	
Wechs	:	
Application No. 10/588,016	:	
PCT No.: PCT/EP05/01507	:	
Int. Filing Date: 15 February 2005	:	
Eff. Priority Date: 19 February 2004	:	DECISION
Atty. Docket No.: 2037.6	:	
For: High-Flux Dialysis Membrane With Improved Separation Behaviour	:	

This is in response to the "Petition Under Rule 182" filed on 07 August 2007.

BACKGROUND

This international application was filed on 15 February 2005, claimed an earlier priority date of 19 February 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application (in German) to the USPTO on 09 September 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 19 August 2006. Applicant filed, *inter alia*, a basic national fee on 01 August 2006.

On 07 November 2006, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to counsel, indicating the date of this application under 35 U.S.C. 371(c)(1), (2) and (4) to be "08/01/2006."

DISCUSSION

Petitioner indicates in part that "On July 31, 2007, the undersigned learned that the English translation file in the above captioned application was incorrect... Accordingly, the undersigned respectfully requests that the correct English translation of the priority application be entered in the instant application... Any additional fees may be charged to Deposit Account No. 082447." In view of the totality of the circumstances present in this case, the English translation accompanying the instant petition is accepted. As the earlier-filed English translation was defective, the Notice of Acceptance (Form PCT/DO/EO/903) mailed on 07 November 2006 is hereby **VACATED**. The processing fee under 37 CFR 1.492(i) has been paid.

DECISION

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 **07 August 2007**.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

08 SEP 2006

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

In re Application of	:	
EICHHORN, Robert et al.	:	
Application No.: 10/588,020	:	DECISION
PCT No.: PCT/IB05/00182	:	
Int. Filing Date: 26 January 2005	:	ON PETITION UNDER
Priority Date: 26 January 2004	:	
Docket No.: CU-4987 RJS	:	37 CFR 1.137(b)
For: IDLER	:	

Applicants' "Petition For Revival of an International Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the above-captioned application on 01 August 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 will be charged to deposit account no. 12-0400, as authorized.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision. The application has a date of 01 August 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

09/08/2006 SBASHEIR 00000006 120400 10588020
01 FC:2617 65.00 DA

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

Mail Date: 04/20/2010

Applicant	: Yuichi Shibazaki	: DECISION ON REQUEST FOR
Patent Number	: 7589822	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/588,029	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/01/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **293** 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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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Wolfgang Kozsar	: DECISION ON REQUEST FOR
Patent Number	: 7635053	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/588,038	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/01/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **668** 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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19 JUL 2007

BEUSSE WOLTER SANKS MORA & MAIRE
390 N. ORANGE AVENUE
SUITE 2500
ORLANDO FL 32801

In re Application of
RATHINASABAPATHI et al.
Application No.: 10/588,043
PCT No.: PCT/US05/09047
Int. Filing Date: 17 March 2005
Priority Date: 17 March 2004
Attorney's Docket No.: 10457-055US
For: INCREASED STRESS TOLERANCE AND ENHANCED YIELD IN PLANTS

DECISION ON

INSUFFICIENT FEE

This is a decision on applicant's "Response to Notification of Insufficient Fees", filed in the United States Patent and Trademark Office (USPTO) on 19 April 2007 requesting refund of overpayment of the basic search fee.

On 17 March 2005, applicant filed international application PCT/US05/09047 identifying the United States as the International Search Authority in Box VII of the Request (Form PCT/RO/101).

On 01 August 2006, prior to the expiration of the thirty month period, applicant filed a transmittal letter to enter national stage along with the basic national fee of $150, the search fee of $50 and examination fee of $100. On 13 April 2007, a Notification of Insufficient Fees (FORM PCT/DO/EO/923) was mailed indicating that "the application search fee is insufficient. Applicant must submit $200 to complete the search fee."

On 19 April 2007, applicant filed a response to the Notification of Insufficient Fees requesting a review of the application fees. 37 CFR 1.445(b)(2) states that the search fee is $100 where the United States was the International Searching Authority. As indicated above, the United States was the International Searching Authority. A review of the USPTO finance records indicate that the basic national fee of $150, the $50 national stage search fee (fee code 2641) and $100 national stage examination fee (fee code 2633) were paid on 01 August 2006, the appropriate national search and examination fees in the above referenced application. Thus, no surcharge should be owed by applicant.

For the reasons set forth above, the Notification of Insufficient Fees (FORM PCT/DO/EO/923) is hereby **VACATED**. Applicant's request for refund of fees is **DISMISSED AS MOOT**.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: 571-272-3286

18 AUG 2006

United States Patent and Trademark Office

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United States Patent and Trademark Office
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G Matthew McCloskey
McDermott Will & Emery
28 State Street
Boston MA 02109

In re Application of	:	
Slafer et al.	:	
Application No.: 10/588,066	:	DECISION
PCT No.: PCT/US05/01864	:	
Int. Filing Date: 21 January 2005	:	ON
Earliest Priority Date: 21 January 2004	:	
Attorney Docket No.: 59380-049 (MCMK-003)	:	PETITION
For: Pre-Formatted Linear Optical Data Storage Medium	:	

The petition to revive under 37 CFR 1.137(b) filed 28 July 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant 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
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

DICKINSON WRIGHT PLLC
1901 L STREET NW
SUITE 800
WASHINGTON DC 20036

In re Application of
Joachim LOHR, et al.
Application No. 10/588,073
Filed: July 30, 2007
For: **EFFICIENT RISE OVER THERMAL (ROT) CONTROL DURING SOFT HANDOVER**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed July 31, 2006, under Manual of Patent Examination Procedure §708.02, VIII, requesting accelerated examination.

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

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

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

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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DRW Mar-08

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

COPY MAILED

MAR 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Hatakeyama et al.	:	DECISION ON PETITION TO
Application Number: 10/588080	:	WITHDRAW HOLDING OF
Filing Date: 01/10/2007	:	ABANDONMENT
Attorney Docket Number:	:	
293482US0PCT	:	

This is a decision in reference to the "PETITION UNDER 37 C.F.R. § 1.137 TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE RESTRICTION REQUIREMENT," filed on January 23, 2008, which is treated as a petition to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the Office action requiring restriction and/or election (hereinafter "the Office action") mailed on June 11, 2007. Notice of Abandonment was mailed on January 15, 2008.

Petitioners assert that the Office action mailed on June 11, 2007, was not received in that petitioners received an email notification on June 11, 2007, pursuant to the e-Office Action program, that outgoing correspondence in the subject application was available for downloading. When counsel's representative viewed the Private PAIR file, on the morning of June 11, 2007, however, the Office action was not available for downloading. Rather, only a Notice of Publication of Application was available for downloading. Petitioners further aver that they did not know of the mailing of the Office action until December 13, 2007.

Petitioners state that they were informed by the USPTO's Search and Information Resources Administration that the Office action had not been uploaded until the late evening of June 11, 2007.

A review of the Office Image File Wrapper electronic database reveals that, although the email notification was sent at 5:14 am

on June 11, 2007, the Office action was not uploaded until 4:20 pm of the same date. As such, the showing of record is that petitioners were not properly notified of the mailing of the Office action mailed on June 11, 2007, pursuant to the e-Office Action program in that the Office action was not available for uploading at the time the notification email was sent and Private PAIR was accessed by petitioners.

Therefore, the showing of record is that is no abandonment in fact.

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

The Office apologizes for any inconvenience to petitioner.

The application will be referred to the Technology Center Art Unit 1621 for remailing of the Office action mailed on Office of Patent Application Processing for further processing. The period for reply will be reset from the mailing date thereof.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

30 AUG 2006

UNITED STATES PATENT and TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

Howrey LLP
2941 Fairview Park Drive, Box 7
Falls Church, VA 22042

In re Application of	:	DECISION ON
KUEMLER et al	:	
Application No.: 10/588,081	:	
PCT No.: PCT/EP2004/011457	:	
Int. Filing Date: 12 October 2004	:	PETITION UNDER
Priority Date: 15 October 2003	:	
Attorney's Docket No.: 00137.0086.00US01	:	
For: Composition for reducing Ox emission	:	
In FCC Regeneration Process	:	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 CFR 1.137(b)," filed on 31 July 2006.

BACKGROUND

On 12 October 2004, this international application was filed, claiming an earliest priority date of 15 October 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 15 April 2006. This international application became abandoned with respect to the United States at midnight on 15 April 2006 for failure to pay the required basic national fee.

On 31 July 2006, applicants filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, and a petition under 37 CFR 1.137(b), which was accompanied by, *inter alia*, the national basic fee, 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**.

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

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

IAP Rec'd PCT/PTO 31 JUL 2006

PTO-1390 (Rev. 07-2005)
Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER: 0013P.0086.00USPCT

U.S. APPLICATION NO. (If known, see 37 CFR 1.5): 10/575081

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/EP2004/011457	12TH OCTOBER 2004	15TH OCTOBER 2003

TITLE OF INVENTION: COMPOSITION FOR REDUCING OR EXCISIONS IN FCC REGENERATION PROCESS

APPLICANT(S) FOR DO/EO/US: KUEHLER, CHRISTOPHER W. ; O'CONNOR, PAUL ; STAPERSMA, DENNIS

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. [X] This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. [ ] This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. [ ] This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. [X] The US has been elected (Article 31).
5. [X] A copy of the International Application as filed (35 U.S.C. 371(c)(2))
   a. [ ] is attached hereto (required only if not communicated by the International Bureau).
   b. [X] has been communicated by the International Bureau.
   c. [ ] is not required, as the application was filed in the United States Receiving Office (RO/US).
6. [ ] An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
   a. [ ] is attached hereto.
   b. [ ] has been previously submitted under 35 U.S.C. 154(d)(4).
7. [X] Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
   a. [ ] are attached hereto (required only if not communicated by the International Bureau).
   b. [ ] have been communicated by the International Bureau.
   c. [ ] have not been made; however, the time limit for making such amendments has NOT expired.
   d. [X] have not been made and will not be made.
8. [ ] An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. [ ] An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. [ ] An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. [ ] An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. [ ] An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. [ ] A preliminary amendment.
14. [ ] An Application Data Sheet under 37 CFR 1.76.
15. [ ] A substitute specification.
16. [ ] A power of attorney and/or change of address letter.
17. [ ] A computer-readable form of the sequence listing in accordance with PCT Rule 13*ter*.2 and 37 CFR 1.821- 1.825.
18. [X] A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. [ ] A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. 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 15 minutes to complete, including gathering information, preparing, and submitting the completed 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 PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IAP5 Rec'd PCT/PTO 31 JUL 2006

PTO-1390 (Rev. 07-2005)
Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

10/588081

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.

a. ☐ A check in the amount of $ _____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 08-3038 in the amount of $ 1,360.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-3038. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

CUSTOMER NUMBER 32894

HOWREY LLP
2941 FAIRVIEW PARK DRIVE, BOX 7
FALLS CHURCH, VA 22042
FAX: 703-336-6950

Jacobus C. Rasser
SIGNATURE

JACOBUS C. RASSER
NAME

37,043
REGISTRATION NUMBER

IAP7 Rec'd PCT/PTO 31 JUL 2006

PTO-1390 (Rev. 07-2005)
Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER: 00137.0084.00USO1

U.S. APPLICATION NO. (If known, see 37 CFR 1.5): 10/588081

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/EP2004/011457	12TH OCTOBER 2004	15TH OCTOBER 2003

TITLE OF INVENTION: COMPOSITION FOR REDUCING OR EXCISIONS IN FCC REGENERATION PROCESS

APPLICANT(S) FOR DO/EO/US: KUEHLER, CHRISTOPHER W. ; O'CONNOR, PAUL ; STAMIRES, DENNIS

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. [X] This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. [ ] This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. [ ] This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. [X] The US has been elected (Article 31).
5. [X] A copy of the International Application as filed (35 U.S.C. 371(c)(2))
   a. [ ] is attached hereto (required only if not communicated by the International Bureau).
   b. [X] has been communicated by the International Bureau.
   c. [ ] is not required, as the application was filed in the United States Receiving Office (RO/US).
6. [ ] An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
   a. [ ] is attached hereto.
   b. [ ] has been previously submitted under 35 U.S.C. 154(d)(4).
7. [X] Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
   a. [ ] are attached hereto (required only if not communicated by the International Bureau).
   b. [ ] have been communicated by the International Bureau.
   c. [ ] have not been made; however, the time limit for making such amendments has NOT expired.
   d. [X] have not been made and will not be made.
8. [ ] An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. [ ] An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. [ ] An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. [ ] An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. [ ] An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. [ ] A preliminary amendment.
14. [ ] An Application Data Sheet under 37 CFR 1.76.
15. [ ] A substitute specification.
16. [ ] A power of attorney and/or change of address letter.
17. [ ] A computer-readable form of the sequence listing in accordance with PCT Rule 13*ter*.2 and 37 CFR 1.821- 1.825.
18. [X] A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. [ ] A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. 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 15 minutes to complete, including gathering information, preparing, and submitting the completed 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 PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IAP5 Rec'd PCT/PTO 31 JUL 2006

PTO-1390 (Rev. 07-2005)
Approved for use through 3/31/2007. OMB 0651-0021
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.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
10/588081	PCT/EP2004/011457	00137.0086.00US01

20. Other items or information:

FORM PTO/SB/64/PCT (3 Pages); FORM PCT/RO/101 (5 Pages); FORM PCT/IB/304 (1 Page); FORM PCT/IB/306 (1 PAGE); PUBLISHED PCT APPLICATION WO 2005/040311 (13 Pages); INTERNATIONAL SEARCH REPORT (4 Pages); WRITTEN OPINION (6 Pages); INTERNATIONAL PRELIMINARY EXAMINATION REPORT (6 Pages); TWO RETURN POSTCARDS.

The following fees have been submitted	CALCULATIONS	PTO USE ONLY
21. ☒ Basic national fee (37 CFR 1.492(a)) $300	$ 300.00	
22. ☒ Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... $0 All other situations $200	$ 200.00	
23. ☒ Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... $0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... $100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... $400 All other situations $500	$ 500.00	
TOTAL OF 21, 22 and 23 =		
☐ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is $250 for each additional 50 sheets of paper or fraction thereof.		

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	
- 100 =	/50 =		x $250	$

Surcharge of $130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	$	
Total claims	- 20 =		x $ 50	$	
Independent claims	- 3 =		x $200	$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ $360	$ 360.00	
			TOTAL OF ABOVE CALCULATIONS =	$	
☐ Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.					
			SUBTOTAL =	$	
Processing fee of $130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			+	$	
			TOTAL NATIONAL FEE =	$ 1,360.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). $40.00 per property			+	$	
			TOTAL FEES ENCLOSED =	$ 1,360.00	
			Amount to be refunded:	$	
			Amount to be charged	$	

Our Ref: 00137.0086.00US01

Please indicate receipt of the below-identified paper: **PTO**

New Application For: **UTILITY**	Priority Date: **15TH OCTOBER 2003**
Priority Claimed: **US 60/511,101** **EP 03078313.8**	Fee Amt: **$1000 NATIONAL FEE** **$1500 PETITION FEE** Acct. No. **01-2508/08-3038**
Other Enclosures: - PCT/DO/EO- Form PTO-1390 (3 Pages in duplicate); - Transmittal Letter (2 Pages in duplicate) - Form PTO/SB/64/PCT; - Form PCT/RO/101 (5 Pages); - Form PCT/IB/304 (1 Page); - Form PCT/IB/306 (1 Page); - A copy of PCT Publication WO 2005/040311 A1 (13 pages); - International Search Report (4 Pages); - Written Opinion (6 Pages); - International Preliminary Examination Report (6 Pages); and - Two return postcards.	

IDENTIFICATION OF APPLICATION

Serial No. **TBA**	Responsible Attorney: **RASSER, J.**
Title: **COMPOSITION FOR REDUCING OX EMISSIONS IN FCC REGENERATION PROCESS**	
Applicant: **KUEHLER et al.**	
Client: **ALBEMARLE NETHERLANDS B.V.**	Firm File No.: **00137.0086.00US01**
To PTO Via Express Mail Delivery	Date: 21st July 2006

HOWREY LLP
2941 Fairview Park Drive, Box 7
Falls Church, VA 22042
www.howrey.com
F. 703.336.6950

IAP7 Rec'd PCT/PTO 31 JUL 2006
10/588081

HOWREY LLP
2941 Fairview Park Drive, Box 7
Falls Church, VA 22042
www.howrey.com
F. 703.336.6950
rasserj@howrey.com

Our Ref: 00137.0086.00US01

21st July 2006

Mail Stop PCT
Attention: PCT Legal
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Re. US National Phase International Application No. PCT/EP2004/011457
International Filing Date: 12th October 2004
Priority (1): 15th October 2003 (US 60/511,101)
Priority (2): 21st October 2003 (EP 03078313.8)
For: **Composition for reducing Ox emissions in FCC Regeneration Process**
Inventor: KUEHLER, Christopher W., et al.
Our Ref: 00137.0086.00US01

Sir

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Petition for Revival of an International Application for Patent designating the U.S. abandoned unintentionally under 37 CFR 1.137(b), Form PTO/SB/64/PCT;
2. Transmittal Letter to the United States Designated / Elected Office, Form PTO-1390 (in duplicate);
3. Form PCT/RO/101 (5 Pages);
4. Form PCT/IB/304 (1 Page);
5. Form PCT/IB/306 (1 Page);
6. A copy of PCT Publication WO 2005/035691 A1 (13 pages);
7. International Search Report (4 Pages);
8. Written Opinion (6 Pages);
9. International Preliminary Examination Report (6 Pages); and
10. Two return postcards.

HOWREY LLP

2941 Fairview Park Drive, Box 7
Falls Church, VA 22042
www.howrey.com
F. 703.336.6950
rasserj@howrey.com

It is respectfully requested that the attached postcards be stamped with the date of filing of these documents, and be returned to our given address.

In the event that the Petition for Revival is deemed allowable, and this application is thereby revived, where extensions of time are necessary to prevent a further abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge the following fees to our Deposit Account No. 08-3038 referencing docket number 00137.0086.00US01.

$1,360.00 Filing Fee for patent application

$1,500.00 Petition Fee for Revival of an International Application for Patent designating the U.S. abandoned unintentionally under 37 CFR 1.137(b)

A duplicate copy of this letter is enclosed.

Respectfully submitted,

Jacobus C. Rasser

Jacobus C. Rasser
(Reg. No. 37,043)

Enclosures.

10/588081

PATENT

IAP5 Rec'd PCT/PTO 31 JUL 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
KUEHLER, Christopher W. et al

Intl. Patent Application No.: PCT/EP2004/011457
Intl. Filing Date: 12th October 2004
For: COMPOSITION FOR REDUCING OX EMISSIONS IN FCC REGENERATION PROCESS
Our Ref: 00137.0086.00US01

STATEMENT ACCOMPANYING FORM PTO/SB/64/PCT

Sir,

The Applicants have always considered international patent application number PCT/EP2004/011457 to be of value to them. The Applicants designated the United States of America in the international patent application and always maintained a strong desire to enter that application into the national phase before the United States Patent and Trademark Office (U.S. PTO) and to ultimately obtain a United States Patent therefrom.

The Applicants delay in entering the national phase was not caused by any desire to defer patent prosecution expenses or official fees. Further, no internal decision was taken by the Applicants to abandon the application. Rather, the entire delay was due to an internal miscommunication during the international phase.

Respectfully submitted,

Jacobus C. Rasser

Jacobus C. Rasser
(Reg. No. 37,043)

Jacobus C. Rasser
HOWREY LLP
2941 Fairview Park Drive, Box 7
Falls Church, VA 22042
www.howrey.com
F. 703.336.6950
rasserj@howrey.com

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 10588081 Total Records Found: 5

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
08/08/2006	00000130	1	1631	$300.00	07/31/2006	DA 083038
08/08/2006	00000131	1	1632	$500.00	07/31/2006	DA 083038
08/08/2006	00000132	1	1633	$200.00	07/31/2006	DA 083038
08/08/2006	00000133	1	1616	$360.00	07/31/2006	DA 083038
08/08/2006	00000134	1	1453	$1,500.00	07/31/2006	DA 083038

IFW

PTO/SB/64/PCT (10-05)
Approved for use through 03/31/2007. OMB 0651-0021
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 INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 0013Y.0006.00USOI

RECEIVED
21 AUG 2006
Legal Staff
International Division

First Named Inventor: KUEHLER, Christopher W.

International (PCT) Application No.: PCT/EP2004/011457 U.S. Application No.: (if known)

Filed: 12TH OCTOBER 2004

Title: COMPOSITION FOR REDUCING CH4 EMISSIONS IN FCC REGENERATION PROCESS

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee
(2) Proper reply
(3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; 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 $ 1500 (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of TRANSMITTAL LETTER FOR 371 FILING (identify type of reply):

☐ has been filed 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 PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

09 MAY 2007

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

In re Application of :
Fogh, et al. :DECISION ON PETITION
U.S. Application No. 10/588,082 :UNDER 37 CFR 1.78(a)(6)
PCT No.: PCT/DK05/00068 :
Int. Filing Date: 30 January 2005 :
Priority Date: 30 January 2004 :
Attorney Docket No. FOGH 5A :
For: PRODUCTION AND PURIFICATION OF :
RECOMBINANT ARYSULFATASE A

This decision is in response to "Petition under 37 CFR 1.78(a)(6) to Accept Unintentionally Delayed Claim under 35 U.S.C. 119(e)" filed March 20, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed application data sheet.

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 application data sheet, 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 Operations for further processing in accordance with this decision, including awaiting applicant's response to the Notification Of Missing Requirements mailed April 20, 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 Petitions and PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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

22 AUG 2006

Toby H. Kusmer
McDermott Will and Emery
28 State Street
Boston, MA 02109

In re Application of SLAFER :
U.S. Application No.: 10/588,098 :
PCT Application No.: PCT/US05/01856 :
Int. Filing Date: 21 January 2005 : DECISION
Priority Date Claimed: 21 January 2004 :
Attorney Docket No.: 59380-050 (MCMK-004) :
For: APPARATUS AND METHOD FOR :
MANUFACTURING PRE-FORMATTED :
LINEAR OPTICAL DATA STORAGE :
MEDIUM :

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 July 2006.

BACKGROUND

On 21 January 2005, applicant filed international application PCT/US05/01856, which claimed priority of an earlier United States application filed 21 January 2004. The thirty-month period for paying the basic national fee in the United States expired on 21 July 2006.

International application PCT/US05/01856 became abandoned as to the United States for failure to timely pay the basic national fee.

On 28 July 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
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RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Mineo Miura	: DECISION ON REQUEST FOR
Patent Number	: 7622741	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/588,103	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/31/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **158** 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

02 OCT 2006

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HOWREY LLP
c/o IP Docketing Department
2941 FAIRVIEW PARK DRIVE
SUITES 200 & 300
FALLS CHURCH VA 22042

In re Application of :
Van Broekhoven et al. :
Application No. 10/588,106 :
PCT No.: PCT/EP05/00929 :
Int. Filing Date: 26 January 2005 : COMMUNICATION
Priority Date: 09 February 2004 :
Atty. Docket No.: 00137.0091.PCUS00 :
ACH-3038 US :
For: Alkylation Process Using A :
Catalyst Comprising A Solid Acid :
And A Hydrogenation Metal :

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

This international application was filed on 26 January 2005, claimed an earliest priority date of 09 February 2004, and designated the U.S. The International Bureau communicated a copy of the published international application to the USPTO on 18 August 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 09 August 2006. Applicants filed a Transmittal Letter accompanied by, *inter alia*, the basic national fee on 31 July 2006. The correspondence filed on 31 July 2006 was assigned to the instant application number, 10/588,106.

On 08 August 2006, represented by other counsel (Frank C. Eymard), applicants filed a second Transmittal Letter, accompanied *inter alia* by authorization to charge a second basic national fee to a Deposit Account. The correspondence filed on 08 August 2006 was assigned to application no. 10/588,690.

DISCUSSION

As is evident from facts enumerated above, two sets of papers to enter the national stage have been submitted for international application number PCT/EP05/00929. An international application designating the United States of America culminates in a single U.S. national stage application; multiple U.S. national stage entries from a single international application are not permitted. Therefore, the submission of two sets of papers to enter the national stage in the United States was improper. The papers from 10/588,690 have been placed in application 10/588,106.

Neither the correspondence filed by Jacobus C. Rasser of Howrey LLP on 31 July 2006 nor the correspondence filed by Frank Eymard on 08 August 2006 included a signed power of attorney or an executed oath or declaration. However, since both Transmittal Letters included an

instruction to "Send All Correspondence To:... Customer No. 56744," correspondence in this application will be mailed solely to the address corresponding to that Customer Number.

CONCLUSION

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further national stage processing, including scanning all papers previously assigned application no. 10/588,690 and assigning them to this application number, 10/588,106. Applicant should use application number 10/588,106 in all future communications with the Patent and Trademark Office regarding the U.S. National stage of international application PCT/EP05/00929.

The $900.00 in fees paid toward application no. 10/588,690 is being refunded to Deposit Account No. 01-0659.

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 PCT Legal Office.

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

George M. Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

10/04/2006 SBASHEIR 00000004 010659 10588106
Sale Ref: 00000004 DA#: 010659 10588106
01 FC:1631 300.00 DA
02 FC:1633 200.00 DA
03 FC:1642 400.00 DA

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090914

DATE : September 15, 2009

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction on Patent No.: 7,519,979

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

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

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

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

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

☒ **Approved** **All** changes apply.

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

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

Comments:

SPE: /Andrea Wellington/ **Art Unit** 2627

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31 OCT 2007

HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS MI 48304-5151

In re Application of	:	
BOUMAZA et al.	:	
Application No.: 10/588,119	:	DECISION
PCT No.: PCT/FR2005/000375	:	
Int. Filing Date: 17 February 2005	:	
Priority Date: 17 February 2004	:	
Attorney Docket No.: RFR0146	:	
For: METAL AND PLASTIC COMPOSITE STRUCTURE IN PARTICULAR FOR THE FRONT FACE OF A MOTOR VEHICLE	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 26 September 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 17 February 2005, applicants filed international application PCT/FR2005/000375, which designated the United States and claimed a priority date of 17 February 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 29 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 August 2006.

On 01 August 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 27 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 inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 26 September 2007, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, the surcharge under 37 CFR 1.492(h), a declaration of facts by David LaPrairie, a copy of a letter from Mr. LaPrairie to non-signing inventor Francois Boumaza, and a copy of tracking results for a Federal Express package.

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.

Items (1), (3), and (4) have been satisfied.

Item (2) has not been satisfied. A communication was delivered to Mr. Boumaza on 14 September 2007. As of the date of the filing of the petition, Mr. Boumaza had not responded to the 14 September 2007 communication. However, there does not appear to have been any follow-up, either by letter or by phone, with Mr. Boumaza regarding the communication. Mr. Boumaza could have received the documents and simply forgotten about them. Follow-up to the 14 September 2007 communication is required to establish a refusal to sign.

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
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

07 JAN 2008

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39400 WOODWARD AVENUE
BLOOMFIELD HILLS MI 48304-5151

In re Application of	:	
BOUMAZA et al.	:	
Application No.: 10/588,119	:	DECISION
PCT No.: PCT/FR2005/000375	:	
Int. Filing Date: 17 February 2005	:	
Priority Date: 17 February 2004	:	
Attorney Docket No.: RFR0146	:	
For: METAL AND PLASTIC COMPOSITE STRUCTURE IN PARTICULAR FOR THE FRONT FACE OF A MOTOR VEHICLE	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 20 December 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 17 February 2005, applicants filed international application PCT/FR2005/000375, which designated the United States and claimed a priority date of 17 February 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 29 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 August 2006.

On 01 August 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 27 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 inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 26 September 2007, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, the surcharge under 37 CFR 1.492(h), a declaration of facts by David LaPrairie, a copy

of a letter from Mr. LaPrairie to non-signing inventor Francois Boumaza, and a copy of tracking results for a Federal Express package.

On 31 October 2007, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for failure to provide factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort.

On 20 December 2007, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a second declaration of facts by David M. LaPrairie, a copy of tracking results for a Federal Express package, and a copy of a proof of delivery statement including Mr. Boumaza's signature.

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 31 October 2007, items (1), (3), and (4) have been satisfied.

Item (2) has now been satisfied as well. Non-signing inventor Francois Boumaza's conduct constitutes a refusal to sign.

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 **26 September 2007**.

/Daniel Stemmer/

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

07 JAN 2008

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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Francois Boumaza
6AL Des Haras, 77815 Lognes
75015 Paris
France

In re Application of
BOUMAZA et al.
Application No.: 10/588,119
PCT No.: PCT/FR2005/000375
Int. Filing Date: 17 February 2005
Priority Date: 17 February 2004
Attorney Docket No.: RFR0146
For: METAL AND PLASTIC COMPOSITE STRUCTURE IN PARTICULAR FOR THE FRONT FACE OF A MOTOR VEHICLE

Dear Mr. Boumaza:

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
Facsimile: (571) 273-0459

HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS MI 48304-5151

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Paper No.

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

MAILED

MAR 11 2010

OFFICE OF PETITIONS

In re Application of	:	
Scheinman et al.	:	DECISION ON LETTER
Application No. 10/588,138	:	REGARDING
Filed: February 12, 2007	:	PATENT TERM ADJUSTMENT
Atty Docket No.	:	
25960-013NATL	:	

This letter is in response to the letter entitled "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT," filed on November 11, 2009. The letter is treated as a request, pursuant to applicant's duty of good faith and candor to the Office, that the initial determination of patent term adjustment under 35 USC 154(b) be reviewed for accuracy.

The request for review of the initial determination of patent term adjustment (PTA) is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment at the time of the mailing of the Notice of Allowance is 0 days (0 days of Office delay and 123 days of applicant delay). A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On August 12, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 USC 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 0 days.

Applicants state than an additional reduction of 37 days, pursuant to 37 CFR 1.704(b) is warranted for the filing of a response on July 7, 2007 to the Notification of Missing Requirements Under 35 USC 371 mailed on February 26, 2007. The reply was filed three (3) months and 37 days after the mailing of the Notification mailed on February 26, 2007.

37 CFR 1.704(b) states that:

> With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed.

A Notification of Missing Requirements Under 35 U.S.C. 371 was mailed on February 26, 2007, requiring an oath or declaration and a surcharge. On July 2, 2007, three (3) months and 37 days after the mailing of the Notification, a reply was filed. Accordingly, entry of a period of reduction of 37 days is warranted.

In view thereof, the determination of PTA at the time of the mailing of the Notice of Allowance is 0 days (0 days of PTO delay, reduced by 123 (86 + 37) days of Applicant delay).

As the instant letter was submitted to advise the Office of an error in Applicant's favor, the $200.00 application fee under 37 CFR 1.705(b) was not required, and has not been charged.

The Office thanks Applicants for their good faith and candor in bringing this matter to the attention of the Office.

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in

issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Douglas I. Wood, Senior Petitions Attorney, at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of revised PALM screen

Day : Wednesday

PALM INTRANET

Date: 3/10/2010
Time: 13:44:54

PTA Calculations for Application: 10/588138			
Application Filing Date:	02/12/2007	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	86
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-37		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
64	03/10/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		37	
58	08/12/2009	MAIL NOTICE OF ALLOWANCE			
57	08/12/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
56	08/12/2009	ISSUE REVISION COMPLETED			
55	08/12/2009	DOCUMENT VERIFICATION			
54	08/06/2009	NOTICE OF ALLOWABILITY			
53	07/09/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
52	07/09/2009	REFERENCE CAPTURE ON IDS			
51	07/09/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
50	07/15/2009	DATE FORWARDED TO EXAMINER			
49	07/09/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
48	07/15/2009	DATE FORWARDED TO EXAMINER			
47	07/09/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
46	07/15/2009	DISPOSAL FOR A RCE / CPA / R129			
45	07/09/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	07/09/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
43	06/16/2009	FINISHED INITIAL DATA CAPTURE			
42	05/19/2009	EXPORT TO INITIAL DATA CAPTURE			
41	05/14/2009	MAIL NOTICE OF ALLOWANCE			
40	05/12/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
39	05/12/2009	ISSUE REVISION COMPLETED			

38	05/12/2009	DOCUMENT VERIFICATION			
37	05/04/2009	NOTICE OF ALLOWABILITY			
33	04/01/2009	DATE FORWARDED TO EXAMINER			
32	03/19/2009	RESPONSE AFTER NON-FINAL ACTION		86	30
31	03/19/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
30	09/23/2008	MAIL NON-FINAL REJECTION			
29	09/22/2008	NON-FINAL REJECTION			
28	08/25/2008	CORRESPONDENCE ADDRESS CHANGE			
27	08/25/2008	DATE FORWARDED TO EXAMINER			
26	06/11/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
25	06/11/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
24	03/17/2008	MAIL RESTRICTION REQUIREMENT			
23	03/03/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
14	02/14/2008	CASE DOCKETED TO EXAMINER IN GAU			
13	02/03/2008	CASE DOCKETED TO EXAMINER IN GAU			
12	11/20/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	02/12/2007	371 COMPLETION DATE			
9	09/21/2007	APPLICATION DISPATCHED FROM OIPE			
8	09/21/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
6	06/28/2007	PG-PUB ISSUE NOTIFICATION			
5	03/19/2007	CORRESPONDENCE ADDRESS CHANGE			
4	03/15/2007	CASE CLASSIFIED BY OIPE			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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21 AUG 2006

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of WILLNER et al.
Application No.: 10/588,153
PCT No.: PCT/IL05/00097
Int. Filing: 27 January 2005
Priority Date: 29 January 2004
Attorney Docket No.: WILLNER9A
For: CATALYTIC POLYNUCLEOTIDE AND ITS USE FOR DETERMINATION OF ANALYTES

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 01 August 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 $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 $130 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

United States Patent and Trademark Office

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0 1 OCT 2007

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

In re Application of :
CUEVAS SANCHEZ :
Application No. 10/588,166 :
PCT No.: PCT/ES05/70017 :
Int. Filing Date: 16 February 2005 : DECISION
Priority Date: 17 February 2004 :
Atty. Docket No.: U 016423-6 :
For: Use Of 2,5 - Dihydroxybenzenesulphonic :
Acid In The Production Of Medicaments :
For The Treatment of Angiodependent :
Diseases Such As Cancer And Psoriasis :

This is with regard to the declaration filed on 18 April 2007.

BACKGROUND

This international application was filed on 16 February 2005, claimed an earlier priority date of 17 February 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 25 August 2005. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 17 August 2006. On 02 August 2006, applicants filed *inter alia* the basic national fee.

On 10 April 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 and a surcharge under 37 CFR 1.492(e).

DISCUSSION

Inspection of the declaration filed on 18 April 2007 reveals that it nominates four inventors whose names do not appear on the published international application. Specifically, the inventors at issue are Antonio Romero Garrido, Guillermo Gimenez Gallego, Serafin Valverde Lopez and Rosa Maria Lozano Puerto. Applicants do not appear to have furnished evidence that these inventors were added to the international application pursuant to PCT Rule 92*bis*. Therefore, treatment under 37 CFR 1.497(d) is appropriate. A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)). *See* Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.). The instant declaration was not accompanied by any of these elements. Therefore, the declaration cannot be accepted under 37 CFR 1.497(d) at this time.

CONCLUSION

The declaration filed on 18 April 2007 is **NOT ACCEPTED**, without prejudice.

Applicant is required to file a response within **TWO (2) MONTHS** of the mailing date of this decision, extendable under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this international application with respect to the national stage in the United States.

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

28 APR 2008

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

In re Application of :
CUEVAS SANCHEZ :
Application No. 10/588,166 :
PCT No.: PCT/ES05/70017 :
Int. Filing Date: 16 February 2005 : DECISION
Priority Date: 17 February 2004 :
Atty. Docket No.: U 016423-6 :
For: Use Of 2,5 - Dihydroxybenzenesulphonic :
Acid In The Production Of Medicaments :
For The Treatment of Angiodependent :
Diseases Such As Cancer And Psoriasis :

This is with regard to the response filed on 05 November 2007.

DISCUSSION

In a Decision mailed on 01 October 2007, the declaration filed on 18 April 2007 was not accepted, without prejudice, because

> ...it nominates four inventors whose names do not appear on the published international application. Specifically, the inventors at issue are Antonio Romero Garrido, Guillermo Gimenez Gallego, Serafin Valverde Lopez and Rosa Maria Lozano Puerto. Applicants do not appear to have furnished evidence that these inventors were added to the international application pursuant to PCT Rule 92*bis*. Therefore, treatment under 37 CFR 1.497(d) is appropriate. A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)). *See* Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.). The instant declaration was not accompanied by any of these elements. Therefore, the declaration cannot be accepted under 37 CFR 1.497(d) at this time.

In response, applicants provide "copies of the Notification of Recording of Change Under PCT Rule 92 bis (1) that shows that each of these inventors were added to the International application pursuant to PCT Rule 92 bis." In view of this showing, it would be appropriate to accept the declaration filed on 18 April 2007 for purposes of compliance with 37 CFR 1.497(a) and (b).

Further review of the application file reveals that the English translation filed on 02 August 2006 appears to be defective. Comparison of the translation of claim 14 with the Spanish

language claim 14 which is included in the published international application reveals a discrepancy in the fraction of "white soft paraffin" ("vaselina filante") claimed (30% versus 20%). Therefore, the translation is defective.

CONCLUSION

The declaration filed on 18 April 2007 is **ACCEPTED**.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an English translation of the international application and the processing fee under 37 CFR 1.492(i).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,213	08/02/2006	Oral Aydin	293602US0PCT	6595

22850 7590 04/15/2010

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

EXAMINER	
ZHAO, XIAO SI	

ART UNIT	PAPER NUMBER
1714	

NOTIFICATION DATE	DELIVERY MODE
04/15/2010	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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

wk

APR 15 2010

Mailed:

In re application of	:	
Aydin et al.	:	DECISION ON
Serial No. 10/588,213	:	PETITION
Filed: August 2. 2006	:	
For: Method And Device For The Application Of At Least Two Chemically Different Flowing Media	:	

This is a response to Applicants Petition To Enter Amendment filed January 4, 2010.

Applicants filed the Amendment in reply to the Final Rejection of September 2, 2009. The Amendment sought to incorporate the subject matter of Claim 13 into independent Claim 12. Claims 14-24 are the remaining dependent claims and now would have the limitation of previous claim 13

The Examiner refused entry in that the amendment raised new issues which would require further consideration and/or search. Applicant asserts that the Amendment would not involve significant additional consideration or search. Applicant further asserts that denial of the amendment appears to be inconsistent with the Office's goal of reducing the need for RCE's.

Once a final rejection that is not premature has been entered in an application, Applicants no longer have any right to unrestricted further prosecution. This does not mean that no further amendment or argument will be considered. Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered. An amendment touching the merits of the application may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.

Claim 13, which depends from claim12, had the additional limitation of "wherein *the at least two chemically different flowable media are aqueous solutions of polymers, dispersions or combinations thereof which functions as adhesives and coating materials*". The Examiner rejected claims 12-13, 15-17 and 20 under 35 USC 102(b). Claims 14, 18, 19, 21-24 were rejected under 35 USC 103. A review of the record does not indicate that amendment entry would have place the application in condition for allowance nor in better form for appeal. Applicants' remarks accompanying the amendment did not demonstrate a showing of good and sufficient reasons as to why the amendment was necessary and was not earlier presented.

DECISION

The Petition is **DENIED**.

/JACQUELINE STONE/

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

Harris A. Pitlick
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

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28 AUG 2007

Striker, Striker & Stenby
103 East Neck Road
Huntington, New York 11743

In re Application of :
BRACHT et al. :
Application No.: 10/588,222 : DECISION ON PETITION
PCT No.: PCT/EP05/01076 : UNDER 37 CFR 1.182
Int. Filing Date: 03 February 2005 :
Priority Date: 03 February 2004 :
Attorney Docket No.: 3826 :
For: FLAT SYSTEM FOR USING IN THE ORAL CAVITY

This decision is issued in response to applicant's "Response to Notification of Missing Requirements under 35 U.S.C, 371" filed 11 June 2007 which is being treated as a Petition under 37 CFR 1.182. Applicant is requesting to change the name of the second inventor from Babett Degenhardt to Babett Gutsmuths due to marriage. The $400 petition fee will be charged to counsel's Deposit Account No. 19-4675.

BACKGROUND

On 02 August 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 translation of the international application; an executed declaration; and a preliminary amendment.

On 08 May 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 the declaration was defective because the second inventor (Babett Gutsmuths) was not identified by the name listed on the international application.

On 11 June 2007, applicant filed "Response to Notification of Missing Requirements under 35 U.S.C, 371."

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure 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.

Applicant is requesting to change the name of the second inventor from Babett Degenhardt to Babett Gutsmuths. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the second inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Here, applicant's submission included the authorization to charge Deposit Account No. 19-4675 for required fees. Based on this authorization, Deposit Account No. 19-4675 will be charged the requisite petition fee of $400, satisfying the petition fee requirement. As for the affidavit requirement, applicant submitted a "Declaration of Babett Gutsmuths" (affidavit) regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Babett Gutsmuths as a result of marriage.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record for inventor Babett Degenhardt to Babett Gutsmuths is **GRANTED**.

Based on the above, the declaration filed 02 August 2006 is acceptable in compliance with 37 CFR 1.497.

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.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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25 AUG 2006

Philips Electronics North America Corporation
Intellectual Property & Standards
1109 McKay Drive, M/S41-SJ
San Jose, California 95131

In re Application of :
LI et al. :
Application No.: 10/588,252 : DECISION ON PETITION
PCT No.: PCT/IB04/52631 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 02 December 2004 :
Priority Date: 05 December 2003 :
Attorney Docket No.: CN030076US1 :
For: METHOD AND APPARATUS OF NOISE VARIANCE ESTIMATION FOR USE IN WIRELESS COMMUNICATION SYSTEMS :

The petition to revive under 37 CFR 1.137(b) filed 02 August 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 in accordance with this decision.

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

22 AUG 2006

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FASTH LAW OFFICES (ROLF FASTH)
26 PINECREST PLAZA, SUITE 2
SOUTHERN PINES NC 28387-4301

In re Application of HUHTA-KOIVISTO et al.
Application No.: 10/588,253
PCT No.: PCT/FI05/00051
Int. Filing: 26 January 2005
Priority Date: 27 January 2004
Attorney Docket No.: 502.1271USN
For: APPARATUS AND METHOD FOR AERATION/MIXING OF WATER

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 02 August 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 **02 August 2006.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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

29 AUG 2006

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PHILIPS ELECTRONICS NORTH AMERICA CORP.
Intellectual Property and Standards
1109 McKay Drive, M/S41-SJ
San Jose, CA 95131

In re Application of :
QIAN :
U.S. Application No.: 10/588,255 :
PCT No.: PCT/IB2004/052611 :
Int. Filing Date: 01 December 2004 :
Priority Date: 05 December 2003 :
Attorney Docket No.: CN030070US1 :
For: BANDPASS SAMPLING RECEIVER :
AND THE SAMPLING METHOD :

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

Applicant's petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 02 August 2006 is hereby **GRANTED** as follows:

The basic national fee and the petition fee have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant omitted a digit on the transmittal letter. The PCT number listed is PCT/IB2004/05611. This is not a valid number. A review of the international publication reveals that the proper PCT number is PCT/IB2004/052611. Applicant identified the proper number on the declaration, international search report and petition to revive submitted with the national stage papers. No further action is required.

The surcharge fee of $130.00 has been charged to Deposit Account No. 14-1270 as authorized. Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 01 December 2004, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 02 August 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

09 OCT 2008

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

In re Application of	:	
Onodera et al.	:	
Application No.: 10/588,266	:	
PCT No.: PCT/JP2005/001865	:	
Int. Filing Date: 02 February 2005	:	DECISION
Priority Date: 05 February 2004	:	
Attorney Docket No.: Q96406	:	
For: Method For Producing Polymer Compound	:	

This is with regard to the "Petition For Withdrawal Of Holding Of Abandonment..." filed on 12 August 2008.

BACKGROUND

This international application was filed on 02 February 2005, designated the United States, and claimed an earliest priority date of 05 February 2004. The International Bureau transmitted a copy of the published international application to the USPTO on 18 August 2005. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 05 August 2006. Applicants timely filed *inter alia* the basic national fee on 03 August 2006.

On 27 June 2008, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to counsel, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely reply to a Notification of Missing Requirements mailed on 17 April 2007.

DISCUSSION

Petitioner requests withdrawal of the holding of abandonment, on the basis of alleged non-receipt of the Notification of Missing Requirements. Counsel states in part that "Form PCT/DO/EO/905, Notification of Missing Requirements, of April 17, 2007 was not received by the undersigned or his/her office and a search of the file jacket of the above application and the docket records of the undersigned attorney indicates that the Office Action was not received."

Inspection of the USPTO's PALM database reveals an indication that a Notification of Missing Requirements was mailed on 17 April 2007, but no such Notification is present in the IFW electronic application file. The IFW support staff have confirmed that no such Notification is present in the database, and have indicated that a review of the stored physical artifacts did not produce a copy of the Notification. Accordingly, based on the totality of the evidence currently of record, it would be appropriate to conclude that the Notification of Abandonment mailed on 27 June 2008 was issued in error, and therefore it is hereby **VACATED**. The holding of abandonment is **WITHDRAWN**.

Petitioner further indicates that "Applicants filed an executed Declaration together with the above-identified application. A copy of the Serial Number Card, indicating receipt of the Declaration, is attached hereto." However, review of the application file reveals that no oath or declaration is present, and petitioner did not furnish a copy with the petition. Should petitioner seek further review of the postcard receipt issue as it pertains to the oath or declaration, an appropriate petition may be filed in response to the new Notification of Missing Requirements which is being mailed pursuant to this decision.

DECISION

The petition is **GRANTED**, to the extent noted above.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a new 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 the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON, DC 20004-1206

MAILED

JUL 13 2009

OFFICE OF PETITIONS

In re Application of :
Alan Robert Rae et al :
Application No. 10/588,267 : DECISION ON PETITION
Filed: June 6, 2007 : TO WITHDRAW
Attorney Docket No. P30408US01/18770.005 : 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 June 11, 2009.

The request is **APPROVED**.

The request was signed by Lisa A. Adelson on behalf of the practitioners of record associated with Customer No. 28381.

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

All future correspondence will be directed to assignee O2Diesel at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: O2Diesel
100 Commerce Drive, Suite 301
Newark, DE 19713

28 AUG 2006

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David Klein
Dekel Patent Ltd.
Beit HaRof'im
18 Menuha VeNahala Street, Room 27
Rehovot 76209
ISRAEL

In re Application of	:	
MARGALIOT	:	DECISION ON PETITION
Application No.: 10/588,277	:	
PCT No.: PCT/IL04/00891	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 23 September 2004	:	
Priority Date: 24 September 2003	:	
Atty. Docket No.: 1356MMG-US	:	
For: METHOD AND SYSTEM FOR DETECTION OF OBJECTS	:	

The petition to revive under 37 CFR 1.137(b) filed 04 August 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. 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 has an international filing date of 23 September 2004 under 35 U.S.C. 363 and will be given a date of **04 August 2006** 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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18 JUN 2007

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

In re Application of KAWASAKI et al. Application No.: 10/588,283 PCT No.: PCT/JP04/13246 Int. Filing: 10 September 2004 Priority Date: 06 February 2004 Attorney Docket No.: S8810.0003/P003 For: METHOD OF MANUFACTURING THIN FILM, METHOD OF MANUFACTURING P-TYPE ZINC OXIDE THIN FILM AND SEMICONDUCTOR DEVICE	: DECISION ON PETITION :UNDER 37 CFR 1.182

This application is before the PCT Legal Office for consideration of applicant's Statement under 37 CFR 1.497(d)(1) by Tomoteru Fukumura, requesting correction of the inventor's first name, which was filed on 26 April 2007 in the United States Patent and Trademark Office (USPTO) in the above-captioned application.

On 27 February 2007, 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.

On 26 April 2007, applicant filed a response to the 905 along with a declaration and a request to correct the inventor Tomoteru Fukumura's first name. Applicant explains the error in the inventor's first name is typographical. Applicant indicates that the correct inventor's name is Tomoteru Fukumura, rather than Tomoaki Fukumura as incorrectly indicated in the published international application, which was the result of a typographical error.

Applicants' explanation of the difference in inventor Tomoteru Fukumura's name is accepted and noted for the record. The Request to correct the typographical error in inventor's first name is **GRANTED**. No petition fee is required.

However, the declaration contains two Page 4s and is unacceptable as filed. It 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. What is required is one declaration where all inventors have signed or separate complete declarations. The requirements of 37 CFR 1.497 (a) and (b) have not yet been met and the declaration is unacceptable as filed.

Small Entity Statement

Effective November 7, 2000, 37 CFR 1.28(a) was amended to provide a three-month period (instead of the former two-month period) for requesting a refund based on later establishment of small entity status. As the Office now treats the receipt date of a deposit account charge authorization as the fee payment date (for refund purposes), any request for a refund under 37 CFR 1.28(a) must be made within three months from the date the charge authorization is received in the Office.

Applicant's small entity statement is noted for the record. However, no refund is given since the statement was made on 27 April 2007, more than 3 months after the date the charge authorization (4 August 2006) was received in the Office.

CONCLUSION

The Request to correct the typographical error in inventor's first name is **GRANTED**.

For the reasons set forth above, the declaration submitted on 27 April 2007 is unacceptable as filed. A newly executed declaration is required; either one declaration where all inventors have signed or separate complete declarations in compliance with 37 CFR 1.497(a) and (b).

Applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 1.497(a) and (b) within ONE (1) MONTH from the mail date of this Decision or the time remaining under the Notification of Missing Requirements.

This application will be held in the PCT Legal Office, Office of PCT Legal Administration to await applicant's further reply.

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571) 272-3286
Facsimile: (571) 272-0459

2 7 SEP 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON DC 20006-5403

In re Application of KAWASAKI et al. Application No.: 10/588,283 PCT No.: PCT/JP04/13246 Int. Filing: 10 September 2004 Priority Date: 06 February 2004 Attorney Docket No.: S8810.0003/P003 For: METHOD OF MANUFACTURING THIN FILM, METHOD OF MANUFACTURING P-TYPE ZINC OXIDE THIN FILM AND SEMICONDUCTOR DEVICE	: DECISION

This application is before the PCT Legal Office for consideration of applicant's declarations which were filed on 23 July 2007 in the United States Patent and Trademark Office (USPTO) in the above-captioned application.

On 27 February 2007, 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.

On 26 April 2007, applicant filed a response to the 905 along with a declaration and a request to correct the inventor Tomoteru Fukumura's first name. On 18 June 2007, a decision was mailed to applicant, indicating that the correction of inventor Tomoteru Fukumura's name was accepted and noted for the record. Applicant was advised that the declaration contained two Page 4s and was unacceptable as filed.

On 23 July 2007, applicant filed two complete declarations. A review of the declarations reveals that they are in compliance with 37 CFR 1.497(a) and (b) and are acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **23 July 2007.**

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

Mail Date: 04/20/2010

Applicant	: Philippe Avian	: DECISION ON REQUEST FOR
Patent Number	: 7580236	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/588,305	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **468** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/20/2010

Applicant	: Kazutoshi Kichikawa	: DECISION ON REQUEST FOR
Patent Number	: 7574440	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/588,322	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2006	: 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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REISING ETHINGTON P.C.
P O BOX 4390
TROY, MI 48099-4390

Mail Date: 04/21/2010

Applicant	: Paul R. Henion	: DECISION ON REQUEST FOR
Patent Number	: 7572020	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/588,326	: OF WYETH
Filed	: 08/03/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

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REISING ETHINGTON P.C.
P O BOX 4390
TROY, MI 48099-4390

Mail Date: 05/18/2010

Applicant : Paul R. Henion
Patent Number : 7572020
Issue Date : 08/11/2009
Application No: 10/588,326
Filed : 08/03/2006

: NOTICE CONCERNING IMPROPER
: DISMISSAL OF THE REQUEST
: FOR RECALCULATION OF
: PATENT TERM ADJUSTMENT
: IN VIEW OF WYETH

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 mistakenly dismissed a small number of requests as ineligible. The dismissals involve requests that were filed on February 9-12, 2010, for patents that were granted on August 11, 2009. Any request that was filed on February 8, 2010 was properly deemed eligible for patent term adjustment (PTA) and was recalculated.

Patents meeting the above criteria were eligible because the USPTO was closed February 8-11, 2010, due to a snowstorm. See Closing of the United States Patent and Trademark Office from Monday February, 8, 2010, through Thursday, February 11, 2010, 1352 *Off. Gaz. Pat. Office* 146 (March 16, 2010). The Office considered each day from Monday, February 8, 2010, through Thursday, February 11, 2010, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 CFR 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any actions that were due from Monday, February, 8, 2010, through Thursday, February 11, 2010, (or the preceding Saturday (February 6, 2010) or Sunday (February 7, 2010)) will be considered timely if the action was taken on the next succeeding business day on which the USPTO was open, which was February 12, 2010.

This notice **VACATES** the previous mailed decision in the patented file that deemed patentee ineligible for the request for recalculation. Patentee's request for recalculation is GRANTED.

The patent term adjustment has been determined to be **213** 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** 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 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 deterimation 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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31 AUG 2007

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

In re Application of BYRD et al :
U.S. Application No.: 10/588,328 :
PCT Application No.: PCT/US2005/003767 :
Int. Filing Date: 04 February 2005 : DECISION
Priority Date Claimed: 04 February 2004 :
Attorney Docket No.: 990029.00004 :
For: SHEET MATERIAL INFILTRATION OF :
POWDER METAL PARTS :

This is in response to applicant's "Petition Under Rule 1.47(a)" filed 24 July 2007 and "Transmittal Letter" filed 15 August 2007.

On 04 February 2005, applicant filed international application PCT/US2005/003767, which claimed priority of an earlier United States application filed 04 February 2004. The thirty-month period for paying the basic national fee in the United States expired on 04 August 2006.

On 03 August 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 27 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 24 July 2007, applicant filed a petition under 37 CFR 1.47(a) along with a declaration executed by one of the two joint inventors.

On 15 August 2007, applicant filed a declaration executed by the second of the two joint inventors.

In view of the declaration filed 15 August 2007, the petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 04 February 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 August 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

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TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON TX 77057-2631

MAILED

JUN 04 2010

OFFICE OF PETITIONS

In re Application of
Noriya Hayashi et al.
Application No. 10/588,331
Filed: August 31, 2007
Attorney Docket No: MTU.0022US (1392-US)

ON PETITION

This is a decision on the Petition to Revive the above identified application under 37 CFR 1.137(b). [1]

The petition to revive under 37 CFR 1.137(b) is **DISMISSED** as involving moot issues.

After the mailing of the Notice of Allowance and the Notice of Allowability on March 1, 2010, which set a three month period for reply, the instant response in the form of a Request for Continued Examination with an amendment as submission required under 37 CFR 1.114 was filed.

Petitioners are advised that the instant application is not abandoned and furthermore, the filing of an RCE is not a substitute for paying the issue fee.

As petitioners have not stated a cause of action for which relief can be granted, no further action is required in this matter.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

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

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

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

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

28 AUG 2006

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
SUITE 2800, 1100 PEACHTREE STREET
ATLANTA GA 30309

In re Application of:	:	
BOWLIN, Gary, L., et al.	:	DECISION ON PETITION
U.S. Application No.: 10/588,344	:	UNDER 37 CFR 1.137(b)
Int'l Application No: PCT/US2003/031637	:	
Int'l Filing Date: 06 October 2003	:	
Priority Date: 04 October 2002	:	
Attorney Docket No.: 49122-0262 (333412)	:	
For: SEALANTS FOR SKIN AND OTHER TISSUES	:	

The petition to revive under 37 CFR 1.137(b) filed 03 August 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 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 properly executed declaration in compliance with 37 CFR 1.497.

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

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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

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MAR 14 2008

OFFICE OF PETITIONS

In re Application of :
BOWLIN, et al. :
Application No. 10/588,344 : DECISION ON PETITION
Filed: August 3, 2006 : TO WITHDRAW
Attorney Docket No. **49122-0262 (333412)** : 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 28, 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 John K. McDonald 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 Examiner
Office of Petitions

cc: **GARY L. BOWLIN**
7016 MEREDITH FARMS DR
MECHANICSVILLE, VA 23111

cc: **BETH E. ARNOLD**
FOLEY HOAG, LLP
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2600

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/05/2010

Applicant	: Friedhelm Schmitz	: DECISION ON REQUEST FOR
Patent Number	: 7640969	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/588,351	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **156** 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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MAY 24 2010

OFFICE OF PETITIONS

CALIF KIP TERVO
6387 CAMINITO LAZARO
SAN DIEGO CA 92111

In re Application of :

CHO, Young-Kook :
Application No. 10/588,362 : DECISION ON PETITION
Filed: August 03, 2006 : TO WITHDRAW
Attorney Docket No. **CHOH-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 April 09, 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 Calif Tervo on behalf of all attorneys of record who are associated with customer No. 31560. All attorneys/agents associated with the Customer Number 31560 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Young-Kook Cho at the address indicated below. There is an outstanding Office action mailed January 20, 2010 that requires a reply from the applicant.

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **YOUNG-KOOK CHO**
3803 SWALLOW VIEW NE
MARIETTA GA 30066

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
10/588,362	08/03/2006	Young-Kook Cho	

CONFIRMATION NO. 7216

POWER OF ATTORNEY NOTICE

31560
CALIF KIP TERVO
6387 CAMINITO LAZARO
SAN DIEGO, CA 92111

OC000000041690851

Date Mailed: 05/19/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/09/2010.

- 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.

/tdjackson/

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

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CALIF KIP TERVO
6387 CAMINITO LAZARO
SAN DIEGO CA 92111

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
CHO, Young-Kook	:	
Application No. 10/588,362	:	DECISION ON PETITION
Filed: August 03, 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 C.F.R. § 1.36(b), filed April 09, 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 Calif Tervo on behalf of all attorneys of record who are associated with customer No. 31560. All attorneys/agents associated with the Customer Number 31560 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Young-Kook Cho at the address indicated below. There is an outstanding Office action mailed January 20, 2010 that requires a reply from the applicant.

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **YOUNG-KOOK CHO**
3803 SWALLOW VIEW NE
MARIETTA GA 30066

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Mail Date: 04/20/2010

Applicant	: Takahiro Kai	: DECISION ON REQUEST FOR
Patent Number	: 7605277	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/588,373	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **432** 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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TO: Commissioner for Patents - Petitions Office

COMPANY: USPTO

FAX NO.: 1-571-273-8300

FROM: Kevin D. McCarthy

RE: 10/588,398

DATE: April 27, 2007

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MESSAGE:

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Typed Name: Kevin D. McCarthy
Date: April 27, 2007

Patent 0-06-172 (17660/US/04 CIP)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Bron et al.
Serial no.:	10/588,398
Int. Filed:	May 30, 2005
Submitted	to USPTO: August 3, 2006
Title:	SCORCH PREVENTION IN FLEXIBLE POLYURETHANE FOAMS
Examiner:	N/A
Art Unit:	N/A

Petition to Accept an Unintentionally Delayed Claim under 35 U.S.C. 120, 121, or 365(c) for the Benefit of a Prior-Filed Application And Amendment to Specification

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

Dear Sir/Madam:

On April 24, 2007, the USPTO mailed us a communication informing us that a "Notification of Missing Requirements under 35 U.S.C. 371 In the United States Designated/Elected Office (DO/EO/US)" document was vacated. See Exhibit A. In a footnote, the USPTO wrote "the requirements for 37 CFR 1.78(a)(2) do not appear to have been met." That rule reads as follows:

> (2)(i) Except for a continued prosecution application filed under § 1.53(d), any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending nonprovisional applications or international applications designating the United States of America must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (see § 1.14).
>
> (ii) This reference must be submitted during the pendency of the later-filed application. If the later-filed application is an application filed under 35 U.S.C.

04/30/2007 TL0111 00000004 10588398
01 FC:1454 1378.00 OP

111(a), this reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application. If the later-filed application is a nonprovisional application which entered the national stage from an international application after compliance with 35 U.S.C. 371, this reference must also be submitted within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371 (b) or (f) in the later-filed international application or sixteen months from the filing date of the prior-filed application. These time periods are not extendable. Except as provided in paragraph (a)(3) of this section, the failure to timely submit the reference required by 35 U.S.C. 120 and paragraph (a)(2)(i) of this section is considered a waiver of any benefit under 35 U.S.C. 120, 121, or 365(c) to such prior-filed application. The time periods in this paragraph do not apply if the later-filed application is:

(A) An application for a design patent;

(B) An application filed under 35 U.S.C. 111 (a) before November 29, 2000; or

(C) A nonprovisional application which entered the national stage after compliance with 35 U.S.C. 371 from an international application filed under 35 U.S.C. 363 before November 29, 2000.

(iii) If the later-filed application is a non-provisional application, the reference required by this paragraph must be included in an application data sheet (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence(s) following the title.

(iv) The request for a continued prosecution application under § 1.53(d) is the specific reference required by 35 U.S.C. 120 to the prior-filed application. The identification of an application by application number under this section is the identification of every application assigned that application number necessary for a specific reference required by 35 U.S.C. 120 to every such application assigned that application number.

Applicant admits it did not submit any amendment to the specification to claim priority under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed copending non-provisional application or international application designating the United States of America within the time period set forth in 37 CFR 1.78(a)(2). The failure to do so was unintentional because it was believed the application was properly filed under the PCT protocols. The USPTO has established a rule in which the claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed copending non-provisional application or international application designating the United States of America may be accepted if the reference identifying the prior-filed application by application number or international application number and international filing date was unintentionally delayed. That rule is found at 37 CFR 1.78(a)(3), which reads as follows:

(3) If the reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section is presented after the time period provided by paragraph (a)(2)(ii) of this section, the claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed copending non-provisional application or international application

designating the United States of America may be accepted if the reference identifying the prior-filed application by application number or international application number and international filing date was unintentionally delayed. A petition to accept an unintentionally delayed claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by:

(i) The reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section to the prior-filed application, unless previously submitted;

(ii) The surcharge set forth in § 1.17(t); and

(iii) A statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

To comply with 37 CFR 1.78(a)(3); applicant submits the following:

I) Please enter the following amendment prior to the first full paragraph of the application:

Claim of Priority:

This application claims priority as a continuation-in-part of international application no. PCT/IL2005/000554 filed on May 30, 2005 (and which designated the US); which claims priority to Israeli patent application no. 162450 that was filed on June 10, 2004.

II) Form 2038 for $1,370 is enclosed, the charge specified for § 1.17(t).

III) Applicant did not amend the specification within the allotted time periods because the applicant believed the application was properly filed under the PCT protocols only to realize that the addition of inventors violate a PCT rule. It was only when the PCT office ruled in the April 24, 2007 communication that this application should have been filed under 35 USC 111(a) on April 24, 2007 (received on April 27, 2007) did we realize the claim was not properly submitted.

As can be ascertained by the certificate of mailing and the date we received the April 24, 2007 communication, we have not delayed filing this petition.

It is respectfully requested that this petition be granted.

Respectfully submitted,

By: _____

Kevin D. McCarthy
Registration No. 35,278

Date:April 27, 2007

Roach Brown McCarthy & Gruber, P.C.
1620 Liberty Building
Buffalo, New York 14202
(716) 852-0400
e-mail: kdmccarthy@roachbrown.com

Exhibit A

UNITED STATES PATENT AND TRADEMARK OFFICE

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

24 APR 2007

KEVIN D. McCARTHY
ROACH BROWN McCARTHY & GRUBER, P.C.
1620 LIBERTY BUILDING
BUFFALO, NY 14202

In re Application of BRON et al
U.S. Application No.: 10/588,398
PCT Application No.: PCT/IL2005/000554
Int. Filing Date: 30 May 2005
Priority Date Claimed: 10 June 2004
Attorney Docket No.: 0-06-172
For: SCORCH PREVENTION IN FLEXIBLE POLYURETHANE FOAMS

COMMUNICATION

This is in response to applicant's correspondence filed 16 March 2007.

BACKGROUND

On 30 May 2005, applicant filed international application PCT/IL2005/000554, which claimed priority of an earlier Israel application filed 10 June 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 December 2005. The thirty-month period for paying the basic national fee in the United States expired on 10 December 2006.

On 03 August 2006, applicant filed application papers in the USPTO including, *inter alia*, a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371 (Form PTO-1390).

On 20 February 2007, the USPTO mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905).

On 16 March 2007, applicant filed the present response.

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official USPTO Notice published in the Official Gazette at 1077 OG 13

entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states in relevant part:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111. . . .
>
> If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111. (Emphasis added.)

Although Form PTO-1390 filed 03 August 2006 identified the application as a national stage application being filed under 35 U.S.C. 371, Form PTO-1390 is marked with the statement, "This application is a continuation-in-part of PCT application no. PCT/IL2005/000554, filed on May 30, 2005." Furthermore, the 03 August 2006 contained a preliminary amendment cover page which states, "Applicant acknowledges on the transmittal sheet that this application is a continuation-in-part of PCT application number PCT/IL2005/000554, filed on May 30, 2005."[1] Such statements are inconsistent with and would have contradicted any desire expressed in any papers that might have been filed to enter the national stage of the PCT under 35 U.S.C. 371. See MPEP 1893.03(a), which states, " A conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371, . . . a benefit claim under 35 U.S.C. 120 to the international application." Because the 03 August 2006 submission was not clearly and unambiguously identified as a filing under 35 U.S.C. 371, the submission should have been treated as a submission under 35 U.S.C. 111(a).

CONCLUSION

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 20 February 2007 is hereby VACATED.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for processing as an application filed under 35 U.S.C. 111(a).

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

[1] Applicant is advised that the requirements of 37 CFR 1.78(a)(2) do not appear to have been met.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

18 MAY 2007

KEVIN D. McCARTHY
ROACH BROWN McCARTHY & GRUBER, P.C.
1620 LIBERTY BUILDING
BUFFALO, NY 14202

In re Application of	:	
BRON et al	:	
Application No.: 10/588,398	:	DECISION ON PETITION
Filing Date: August 3, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 0-06-172	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 27, 2007, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the purported amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a late claim for 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 37 CFR 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. Specifically, the purported amendment to the specification does not begin on a separate sheet as required by 37 CFR 1.121(h).

Before the petition under 37 CFR 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matter is required.

With regard to item (3) above, the petition states that applicant "did not submit any amendment to the specification to claim priority under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed copending non-provisional application or international application designating the United States of America within the time period set forth in 37 CFR 1.78(a)(2). The failure to do so was unintentional because it was believed that application was properly filed under the PCT protocols." This statement is interpreted as 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. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

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 Bryan Lin at (571) 272-3303.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

Boris Milef
Legal 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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11 JUN 2008

KEVIN D. MCCARTHY
ROACH BROWN MCCARTHY & GRUBER, P.C.
424 MAIN STREET
1920 LIBERTY BUILDING
BUFFALO, NY 14202

In re Application of	:	
BRON et al	:	
Application No.: 10/588,398	:	COMMUNICATION
Filing Date: August 3, 2006	:	
Attorney Docket No.: 0-06-172	:	

This is in response to the correspondence filed March 24, 2008. The correspondence states that applicant has received no confirmation from the Office about applicant's petition to amend the priority claim. Applicant is advised that a decision on applicant's petition was mailed May 18, 2007. A copy of the decision is attached to this communication.

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

Any questions concerning this matter may be directed to Bryan Lin at (571) 272-3303.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: copy of decision mailed May 18, 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

18 MAY 2007

KEVIN D. McCARTHY
ROACH BROWN McCARTHY & GRUBER, P.C.
1620 LIBERTY BUILDING
BUFFALO, NY 14202

In re Application of	:	
BRON et al	:	
Application No.: 10/588,398	:	DECISION ON PETITION
Filing Date: August 3, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 0-06-172	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 27, 2007, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the purported amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a late claim for 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 37 CFR 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. Specifically, the purported amendment to the specification does not begin on a separate sheet as required by 37 CFR 1.121(h).

Before the petition under 37 CFR 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matter is required.

With regard to item (3) above, the petition states that applicant "did not submit any amendment to the specification to claim priority under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed copending non-provisional application or international application designating the United States of America within the time period set forth in 37 CFR 1.78(a)(2). The failure to do so was unintentional because it was believed that application was properly filed under the PCT protocols." This statement is interpreted as 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. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

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

By mail:
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Commissioner for Patents
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Alexandria, VA 22313-1450

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 Bryan Lin at (571) 272-3303.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

Boris Milef
Legal Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

24 APR 2007

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

In re Application of	:	
TIDMARSH	:	
Application No.: 10/588,409	:	DECISION ON
PCT No.: PCT/US2005/003370	:	
Int. Filing Date: 04 February 2005	:	PETITION UNDER
Priority Date: 06 February 2004	:	
Attorney Docket No.: 021305-004010US	:	37 CFR 1.137(b)
For: ANTI-CANCER THERAPIES	:	

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 09 April 2007.

BACKGROUND

On 04 February 2005, applicant filed international application PCT/US2005/003370 which designated the U.S. and claimed a priority date of 06 February 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 25 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 August 2006 (06 August 2006 being a Sunday).

On 03 August 2006, applicant filed a transmittal letter for entry into the national stage in the United States.

On 16 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating the application was abandoned as to the United States for failure to provide the basic national fee by thirty months from the priority date.

On 09 April 2007, applicant filed the instant petition under 37 CFR 1.137(b). The petition was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, 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.

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 09 April 2007.

As to item (2), applicant submitted the petition fee on 09 April 2007.

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).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Viering, Jentschura & Partner - OSR
3770 Highland Ave.
Suite 203
Manhattan Beach CA 90266

MAILED

AUG 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Klaus-Peter Knorr	:	
Application No. 10/588,436	:	DECISION GRANTING PETITION
Filed: August 7, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P40111US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 20, 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 13, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2885 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

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

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Jones Day
222 East 41st Street
New York, NY 10017

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MAR 02 2009

OFFICE OF PETITIONS

In re Application of
Wayne D. Comper
Application No. 10/588,443
Filed: July 26, 2007
Attorney Docket No. 11213-010-999

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 5, 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. 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 Lawrence S. Graham on behalf of all attorneys/agents associated with customer number 20583. All attorneys/agents associated with customer number 20583 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. Accordingly, all correspondence will be mailed to address of the first signing inventor at the first copied address below. A courtesy copy of this decision will be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application, the proper power of attorney documents and/or a proper statement under 37 CFR 3.73(b) must be submitted if an assignee has interest in this application.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Wayne D. Comper
387 Old Warrandyte Road
North Ringwood, Victoria 3134
Australia

cc: Monash University
c/o Lynette McCully
Building 75, Room G40
Monash University, Wellington Rd.
Clayton, Victoria 3880
Australia

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
10/588,443	07/26/2007	Wayne D. Comper	11213-010-999

CONFIRMATION NO. 8404

POWER OF ATTORNEY NOTICE

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

OC00000034787870

Date Mailed: 03/02/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/05/2009.

- 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.

/kainabinet/

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

22 AUG 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

Paul K. Tomita
Dergosits & Noah
Four Embarcadero Center, Suite 1450
San Francisco CA 94111

In re Application of	:	
GILES, Susan.	:	
Application No.: 10/588,462	:	DECISION ON PETITION
PCT No.: PCT/US04/33094	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 07 October 2004	:	
Priority Date: 07 October 2003	:	
Attorney Docket No.:299.43	:	
For: COMPUTER MOUSE	:	

The petition to revive under 37 CFR 1.137(b) filed 21 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 PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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24 AUG 2006

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND OH 44114

In re Application of ELIASHEVICH et al.	
Application No.: 10/588,473	
PCT No.: PCT/US04/43751	DECISION ON
Int. Filing: 22 December 2004	
Priority Date: 24 December 2003	PETITION TO REVIVE
Attorney Docket No.: 62955A	
For: OPTIMIZED CONTACT DESIGN FOR THERMOSONIC BONDING OF FLIP-CHIP DEVICES	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 1 August 2006in 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 $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. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 17 August 2006.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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

21 APR 2009

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00140
LADAS & PARRY LLP
26 West 61st Street
New York, NY 10023

In re Application of :
STEYNBERG *et al* :
U.S. Application No.: 10/588,475 :
PCT No.: PCT/IB2005/050449 : **DECISION ON PETITION**
Int. Filing Date: 03 February 2005 :
Priority Date: 05 February 2004 : **TO WITHDRAW HOLDING**
Attorney Docket No.: U 016429-4 :
For: CO-PRODUCTION OF : **OF ABANDONMENT**
HYDROCARBONS AND DIMETHYL :
ETHER :

This decision is in response to the "Request to Withdraw Holding of Abandonment" filed on 17 October 2008 and the "Renewed Request to Withdraw Holding of Abandonment" filed 04 February 2009.

BACKGROUND

On 07 February 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. A two-month time limit in which to respond was set with extensions of time available.

On 19 February 2008, applicants purportedly filed an executed declaration and $130.00 surcharge fee. The declaration was not located in the above-captioned application. However, the $130.00 surcharge fee has been paid.

On 09 October 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to respond to the Form PCT/DO/EO/905 mailed 07 February 2008 within the time period set.

On 17 October 2008, applicants filed a petition to withdraw the holding of abandonment which was accompanied by, *inter alia*, copies of the documents purportedly filed 19 February 2008 along with the date-stamped postcard receipt for those documents.

On 04 February 2009, applicants filed a renewed petition to withdraw the holding of abandonment.

DISCUSSION

A review of the subject application and USPTO records shows that the 19 February 2008 declaration has been located and transferred[1] to the above-captioned application.

The papers filed 19 February 2008 sufficiently identified the papers as a response in the subject national stage application of PCT/IB2005/050449. The declaration is in compliance with 37 CFR 1.497(a) and (b).

DECISION

For the reasons noted above, applicants' petition to withdraw the holding of abandonment is **GRANTED**.

The Form PCT/DO/EO/909 mailed 09 October 2008 is hereby **VACATED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 03 February 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 19 February 2008.

This application is being forwarded to the Office of Patent Application Processing for further processing in accordance with this decision.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] The declaration was located in a file identified using the international application number (PCT/IB05/50449).

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LADAS & PARRY
5670 WILSHIRE BLVD., SUITE 2100
LOS ANGELES, CA 90036-5679

COPY MAILED

NOV 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Jin Sook KIM, et al	:	
Application No. 10/588,561	:	DECISION ON PETITION
Filed: August 4, 2006	:	TO WITHDRAW
Attorney Docket No. B-6067PCT 623624-3/HRW	:	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 12, 2008.

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

A review of the file record indicates that the power of attorney to Ladas & Parry, has been revoked by the assignee of the patent application on October 17, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communication from the Office will be directed to the address indicated below until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: KOREA INSTITUTE OF ORIENTAL
MEDICINE, LTD.
461-24 JEONMIN-DONG, YUSEONG-GU,
DAEJEON 205-811
KOREA

UNITED STATES PATENT AND TRADEMARK OFFICE

09 JUL 2009

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

Kate H. Murashige
Morrison & Forrester LLP
12531 High Bluff Drive
Suite 100
San Diego, California 92130-2040

In re Application of:	:	
CURAUDEAU, ALAIN H. et al.	:	DECISION
PCT Application No.: PCT/CA2005/000141	:	
US Application No.: 10/588,571	:	
Int. Filing Date: 04 February 2005	:	UNDER
Priority Date: 06 February 2004	:	
Atty Docket No.:249692001600	:	
For: PHOTODYNAMIC THERAPY FOR THE TREATMENT OF ACNE	:	37 CFR § 1.47(a)

This is in response to applicants' "PETITION TO FILE DECLARATION ON BEHALF OF THE NONSIGNING INVENTOR WHO REFUSES TO SIGN UNDER 37 C.F.R. §1.47(A)" and the "RENEWED PETITION UNDER 37 C.F.R. §1.47(a)" received on 14 January 2008 and 05 September 2008, respectively.

BACKGROUND

On 04 February 2005, applicants filed international application PCT/CA2005/000141.

On 03 August 2006, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, a preliminary amendment to the claim. The papers were assigned U.S. application number 10/588,571.

On 29 October 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 14 January 2008, applicants submitted a declaration and a "PETITION TO FILE DECLARATION ON BEHALF OF THE NONSIGNING INVENTOR WHO REFUSES TO SIGN UNDER 37 C.F.R. §1.47(A)

On 05 September 2008, applicant filed the present petition under 37 CFR 1.47(a) requesting acceptance of the application without an inventor's signature.

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 inventor refuses to execute the application 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 other joint inventors on behalf of and as agent for the non-signing inventor.

With regard to item (1) above, the requisite petition fee will be charged to Deposit Account No. 03-1952.

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 petitions state that Dr. Patrick M. Curry refused to sign the application paper. An affidavit was provided by Vandhana Misri, which indicated that the former paralegal, Cherie

Davis, at QLT Inc. mailed the paper to Dr. Curry for signature on 14 September 2007. Ms. Davis has provided an affidavit indicating that Dr. Curry was uncooperative regarding execution of the declaration. Ms. Misri, who became responsible for obtaining the signature after the departure of Ms. Davis, emailed Dr. Curry on 20 September 2007 to request the declaration. The affidavit states that Mr. Curry in a written email refused to return any signed document. However, applicants have not given any of Dr. Curry's email replies except the first and the reply has portions redacted with no explanation.

With regard to item (3) above, the petition failed to state the nonsigning inventor's last known address.

With regard to item (4) above, the oath or declaration executed by the applicants on behalf of and as agents for the nonsigning inventor is defective. Where individual declarations are executed, as in this case, they must be submitted as individual declarations rather than combined into one declaration.

Based on the above, applicants have not satisfied the final three requirements for a grantable petition under 37 CFR 1.47(a).

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. Failure to timely file a proper response will result in abandonment of the application. Extensions of time under 37 CFR 1.136 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.

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.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

29 SEP 2009

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Alexandria, VA 22313-1450
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Kate H. Murashige
Morrison & Forrester LLP
12531 High Bluff Drive
Suite 100
San Diego, California 92130-2040

In re Application of:	:	
CURAUDEAU, ALAIN H. et al.	:	DECISION
PCT Application No.: PCT/CA2005/000141	:	
US Application No.: 10/588,571	:	
Int. Filing Date: 04 February 2005	:	UNDER
Priority Date: 06 February 2004	:	
Atty Docket No.:249692001600	:	
For: PHOTODYNAMIC THERAPY FOR THE TREATMENT OF ACNE	:	37 CFR § 1.47(a)
	:	

This is in response to applicants' "RENEWED PETITION UNDER 37 C.F.R. §1.47(a)" received on 09 September 2009.

BACKGROUND

On 04 February 2005, applicants filed international application PCT/CA2005/000141.

On 03 August 2006, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, a preliminary amendment to the claim. The papers were assigned U.S. application number 10/588,571.

On 29 October 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 14 January 2008, applicants submitted a declaration and a "PETITION TO FILE DECLARATION ON BEHALF OF THE NONSIGNING INVENTOR WHO REFUSES TO SIGN UNDER 37 C.F.R. §1.47(A)

On 05 September 2008, applicant filed a petition under 37 CFR 1.47(a) requesting acceptance of the application without an inventor's signature. The petition was dismissed for failure to meet partial requirements of 37 CFR 1.47(a).

On 09 September 2009, applicants submitted the present petition for reconsideration.

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 inventor refuses to execute the application 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 other joint inventors on behalf of and as agent for the non-signing inventor.

With regard to item (1) above, the requisite petition fee has been charged to Deposit Account No. 03-1952.

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 Dr. Patrick M. Curry refused to sign the application paper. Applicants have provided a complete email reply from Dr. Curry refusing to sign without

compensation to a trust fund. Further emails from applicants' representative to Dr. Curry were also provided to request for the signature but with no success.

With regard to item (3) above, the petition stated the nonsigning inventor's last known address.

With regard to item (4) above, the oath or declaration executed by the applicants on behalf of and as agents for the nonsigning inventors has been submitted.

Based on the above, applicants have satisfied the requirements for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is GRANTED.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision, the 35 USC 371(c)(1), (c)(2) and (c)(4) date is 05 September 05 2008.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

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David Silverstein
Andover-IP-Law
44 Park Street, Suite 300
Andover, MA 01810

COPY MAILED
DEC 09 2008

In re Application of	:	
David Tsay, et al.	:	
Application No. 10/588,575	:	DECISION ON PETITION
Filed: August 3, 2006	:	TO WITHDRAW
Attorney Docket No. TSY-001PCT/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 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. 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 David Silverstein 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 David Tsay at the address indicated below.

There is no outstanding Office action at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **David Tsay**
Ampion Systems, Inc.
73 Pheasant Landing Road
Needham, MA 02492

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
10/588,575	08/03/2006	David Tsay	TSY-001PCT/US

CONFIRMATION NO. 8302

David Silverstein
Andover-IP-Law
44 Park Street Suite 300
Andover, MA 01810

POWER OF ATTORNEY NOTICE

OC000000033507156

Date Mailed: 12/08/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/14/2008.

- 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

22 NOV 2006

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P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

In re Application of	:	
PETERS et al.	:	
Application No.: 10/588,639	:	DECISION ON
PCT No.: PCT/IB2004/052404	:	
Int. Filing Date: 12 November 2004	:	PETITION UNDER
Priority Date: 21 November 2003	:	
Attorney Docket No.: DE030396US	:	37 CFR 1.137(b)
For: TEXT SEGMENTATION AND TOPIC ANNOTATION FOR DOCUMENT STRUCTURING	:	

This decision is in response to applicant's submission filed 07 August 2006.

BACKGROUND

On 12 November 2004, applicant filed international application PCT/IB2004/052404 which designated the U.S. and claimed a priority date of 21 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 02 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 07 August 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 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 07 August 2006.

As to item (2), applicant submitted the petition fee on 07 August 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 07 August 2006 is not in compliance with 37 CFR 1.497(a)-(b). The declaration includes three page twos. Each declaration must be complete in and of itself. I.e., each declaration must identify, *inter alia*, each inventor. It is not clear from the declaration filed 07 August 2006 that each declaration presented to and signed by the inventors was complete. It appears that four inventors signed at least three separate declarations. However, only one declaration, which contains three page twos was provided. Applicants must submit either a single declaration executed by all of the inventors, with the exception of any non-signing inventors, or in the alternative a copy of the entire declaration for each signed declaration.

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 an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for providing the oath or declaration later than thirty months from the priority date. 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

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0 6 DEC 2006

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

In re Application of	:	
PARASKEVAKOS et al.	:	
Application No.: 10/588,649	:	DECISION ON
PCT No.: PCT/GR2004/000054	:	
Int. Filing Date: 05 November 2004	:	PETITION UNDER
Priority Date: 06 November 2003	:	
Attorney Docket No.: 48105-0003-00-US	:	37 CFR 1.137(b)
For: REMOTE MANAGEMENT OF PRODUCTS AND SERVICES	:	

This decision is in response to applicant's submission filed 07 August 2006.

BACKGROUND

On 05 November 2004, applicants filed international application PCT/GR2004/000054 which designated the U.S. and claimed a priority date of 06 November 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 19 May 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 May 2006 (06 May 2006 being a Saturday).

On 05 October 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 07 August 2006.

As to item (2), applicant submitted the petition fee on 07 August 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) 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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OCT 30 2007

WENDEROTH, LIND & PONACK, L.L.P.

2033 K STREET, N.W., SUITE 800

WASHINGTON, D.C. 2006-1021

In re Application of	:	
Yasumichi FUKUDA et al	:	DECISION ON REQUEST TO
Application No. 10/588,660	:	PARTICIPATE IN PATENT
Filed: September 1, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 2006-1092A	:	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 September 21, 2007, 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 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.

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.

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

18 SEP 2009

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

Amy Schmid
WENDEROTH, LIND & PONACK, L.L.P
1030 15TH STREET, N.W.
SUITE 400 EAST
WASHINGTON, DC 20005

In re Application of FUKUDA et al.	: DECISION ON
Application No.: 10/588,660	:
PCT Application No. PCT/JP05/01377	: PETITION UNDER
Int. Filing: 1 February 2005	:
Priority Date: 5 February 2004	: 37 CFR 1.181
Attorney Docket No.: 2006_1092A	:
For: BICYCLOESTER DERIVATIVE	:

This decision is in response to applicant's request filed 17 December 2008 for correction of "Notice of Acceptance" as to the date of the completion of the 35 U.S.C. 371 requirements. The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 07 August 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 as required by 35 U.S.C. 371(c)(1); a translation of the international application into English; an Information Disclosure Statement.

On 01 September 2006, applicant filed an executed declaration by all listed inventors.

On 13 March 2008, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as of 7 December 2006.

On 17 December 2008, applicant filed a request for a new filing receipt and notice of acceptance with the date changed from 7 December 2006 to 01 September 2006.

DISCUSSION

A review of the international application finds on 07 August 2006, applicant satisfied requirements of 35 U.S.C. 371(c)(1) and (c)(2). A declaration of the inventors was provided on 01 September 2006. This declaration satisfies the requirement of 35 U.S.C. 371(c)(4). The date of receipt under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements is 01 September 2006.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Notice of Acceptance mailed 13 March 2008 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a corrected "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the corrected 371 date as detailed above.

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

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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Paper No.

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

MAILED

JUN 08 2010

OFFICE OF PETITIONS

In re Application of :
Fukuda et al. : DECISION ON APPLICATION
Application No. 10/588,660 : FOR
Filed: September 1, 2006 : PATENT TERM ADJUSTMENT
Docket No. 2006_1092A :
Title: BICYCLOESTER DERIVATIVE :

This is a decision on the "PETITION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(B)," filed December 8, 2009. Applicants request that the patent term adjustment indicated on the initial determination of patent term adjustment be corrected from two hundred and fifty-six (256) days to three hundred and fifty-four (354) days.

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

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **three hundred and fifty-four (354)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On September 25, 2009, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicants were advised that the patent term adjustment to date is 256 days. On December 8, 2009, Applicants timely[1] filed the present application for patent term adjustment. Applicants dispute the adjustment of 256 days pursuant to 37 CFR 1.702(a)(1).

[1] Office records show that the Issue Fee payment was received on December 8, 2009.

Applicants state that any patent issuing from the application is not subject to a terminal disclaimer.[2]

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.

The application history has been reviewed and it has been determined that Applicants are correct in stating that the incorrect fulfillment date was used when calculating the period of adjustment associated with the mailing of the restriction requirement of October 20, 2008. (See 371 acceptance letter mailed October 16, 2009). This application fulfilled the requirements of 35 U.S.C. 371 in an international application on September 1, 2006, and a restriction requirement was mailed 14 months and 354 days later on October 20, 2008, resulting in 354 days of examination delay.

The adjustment of 256 days has been removed, and an adjustment of 354 days has been entered.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is three hundred and fifty-four (354) days (354 days of Office delay minus 0 days of Applicant delay).

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 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.

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[2] Petition, page 2.

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

Enclosure: Copy of updated PAIR screen

PTA Calculations for Application: 10/588660			
Application Filing Date:	09/01/2006	PTO Delay (PTO):	256
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	354
PTO Delay Adjustment:	98		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
94	06/06/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	354		
93	06/06/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		256	
62	09/25/2009	MAIL NOTICE OF ALLOWANCE			
61	09/18/2009	MAIL-PETITION DECISION - GRANTED			
60	09/18/2009	PETITION DECISION - GRANTED			
59	09/17/2009	ISSUE REVISION COMPLETED			
58	09/17/2009	DOCUMENT VERIFICATION			
57	09/17/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
56	09/17/2009	EXAMINER'S AMENDMENT COMMUNICATION			
55	09/17/2009	NOTICE OF ALLOWABILITY			
54	07/02/2009	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
53	09/07/2009	DATE FORWARDED TO EXAMINER			
52	07/02/2009	RESPONSE AFTER NON-FINAL ACTION			
51	12/17/2008	PETITION ENTERED			
50	04/03/2009	MAIL NON-FINAL REJECTION			
49	04/01/2009	NON-FINAL REJECTION			
44	12/07/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
43	09/24/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
41	02/13/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
40	01/18/2009	DATE FORWARDED TO EXAMINER			
39	12/17/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
38	11/18/2008	MAIL SUPPLEMENTAL RESTRICTION / ELECTION REQUIREMENT			

37	11/14/2008	SUPPLEMENTAL RESTRICTION			
36	10/20/2008	MAIL RESTRICTION REQUIREMENT	256		16
35	10/15/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
33	08/13/2008	CASE DOCKETED TO EXAMINER IN GAU			
32	12/07/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	06/19/2008	PG-PUB ISSUE NOTIFICATION			
29	02/13/2007	REFERENCE CAPTURE ON IDS			
28	02/13/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
27	09/24/2007	REFERENCE CAPTURE ON IDS			
26	09/24/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	12/07/2006	REFERENCE CAPTURE ON IDS			
22	12/07/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	06/03/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
17	03/27/2008	APPLICATION DISPATCHED FROM OIPE			
16	12/07/2006	371 COMPLETION DATE			
15	03/13/2008	SENT TO CLASSIFICATION CONTRACTOR			
14	03/13/2008	FILING RECEIPT			
13	03/13/2008	NOTICE OF DO/EO ACCEPTANCE MAILED			
12	02/13/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	10/30/2007	MAIL-RECORD PETITION DECISION OF GRANTED TO MAKE SPECIAL			
10	10/30/2007	RECORD PETITION DECISION OF GRANTED TO MAKE SPECIAL			
9	09/21/2007	PETITION ENTERED			
5	09/24/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

Mail Date: 04/21/2010

Applicant	: Celine Carpy	: DECISION ON REQUEST FOR
Patent Number	: 7665129	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/588,707	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **435** 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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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

Mail Date: 05/18/2010

Applicant : Celine Carpy
Patent Number : 7665129
Issue Date : 02/16/2010
Application No: 10/588,707
Filed : 01/12/2007

: 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 **496** 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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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

8/26/09

In re Application of	:
KAKUYA, HIROMU et al	: DECISION ON REQUEST TO
Application No. 10/588,737	: PARTICIPATE IN PATENT
Filed: Aug. 8, 2006	: PROSECUTION HIGHWAY
Attorney Docket No. 011050.58088US	: PROGRAM AND PETITION
For: ENGINE CONTROLLER	: 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 17, 2009, to make the above-identified application special.

The request is **GRANTED**.

Discussion

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, 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) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the 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) 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 a copy of 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; Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the 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 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).

This request to participate in the PPH pilot program and petition meet the requirements (1) through (7), above.

CONCLUSION

The request to participate in the PPH program and petition comply with the above requirements. Receipt of the requested document is acknowledged and has been entered. Accordingly, the above-identified application has been accorded "special" status. Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

This application is being forwarded to the examiner for action on the merits commensurate with this decision. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner Thomas Denion, Art Unit 3748, at 571-272-4859 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

The petition make special is GRANTED.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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19 SEP 2006

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo
One Financial Center
Boston MA 02111

In re Application of	:	
POMPER et al.	:	
Application No.: 10/588,739	:	DECISION ON
PCT No.: PCT/US2004/005354	:	
Int. Filing Date: 24 February 2004	:	PETITION UNDER
Priority Date: 24 February 2003	:	
Attorney Docket No.: 34565-002 CIP NATL	:	37 CFR 1.137(b)
For: MOBILE RADIATION TREATMENT	:	
VEHICLE AND METHOD	:	

This decision is in response to applicant's submission filed 04 August 2006.

BACKGROUND

On 24 February 2004, applicant filed international application PCT/US2004/005354 which designated the U.S. and claimed a priority date of 24 February 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 September 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 August 2005.

On 04 August 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 04 August 2006.

As to item (2), applicant submitted the petition fee on 04 August 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) 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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Stephen A. Pendorf, P.A.
Pendorf & Cutliff
51111 Memorial Highway
Tampa, FL 33634

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FEB 28 2008

OFFICE OF PETITIONS

In re Application of :
Karin Golz-Berner et al. :
Application No. 10/588,748 : DECISION ON PETITION
Filed: August 9, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 3975-050 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 12, 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 photocopy of co-applicant Karin Golz-Berner's passport. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Correspondence regarding this application can only be mailed to the address of record. If you would like to receive correspondence at the address noted on the petition, then a change of address/Power of Attorney documents must be submitted. A courtesy copy of this decision will be mailed to the address noted on the petition.

The application is being forwarded to the Technology Center Art Unit 1617 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Akerman, Senterfitt
P.O. Box 3188
West Palm Beach, FL 33401-3188

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OFFICE OF PETITIONS

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

In re Application of :
Klaus-Diether Wiese, et al. :
Application No. 10/588,762 : ON PETITION
Filed: January 10, 2007 :
Attorney Docket No. 293518US0X PCT :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed May 4, 2009, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on July 5, 2009. See MPEP 1215.04.

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

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 1797 for processing of the RCE filed July 1, 2009 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

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United States Patent and Trademark Office
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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 04/23/2010

Applicant	: David John Lye	: DECISION ON REQUEST FOR
Patent Number	: 7604197	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/588,799	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **587** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

01 SEP 2006
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WARNER-LAMBERT COMPANY
2800 PLYMOUTH RD
ANN ARBOR, MI 48105

In re Application of AIROLDI et al	:	
U.S. Application No.: 10/588,808	:	
PCT Application No.: PCT/EP03/05261	:	
Int. Filing Date: 04 June 2003	:	DECISION
Priority Date Claimed: 17 June 2002	:	
Attorney Docket No.: PC27270A	:	
For: PHARMACEUTICAL SALTS OF REBOXETINE	:	

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 08 August 2006.

BACKGROUND

On 04 June 2003, applicant filed international application PCT/EP03/05261, which claimed priority of an earlier European Patent Office application filed 17 June 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 24 December 2003. The thirty-month period for paying the basic national fee in the United States expired on 17 December 2004.

International application PCT/EP03/05261 became abandoned as to the United States for failure to timely pay the basic national fee.

On 08 August 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 04 June 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 August 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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20 AUG 2007

Hutchison Law Group
P.O.Box 31686
Raleigh NC 27612

In re Application of	:	
SCHNEIDER et al.	:	
Application No.: 10/588,809	:	DECISION
PCT No.: PCT/EP2005/001434	:	
Int. Filing Date: 12 February 2005	:	
Priority Date: 16 February 2004	:	
Attorney Docket No.: BASF.10165WOUS	:	
For: FORMULATION FOR SEED TREATMENT COMPRISING POLYMERIC STICKERS	:	

This decision is in response to applicants' submission filed 28 June 2007, which has properly been treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 12 February 2005, applicants filed international application PCT/EP2005/001434, which designated the United States and claimed a priority date of 16 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 25 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 August 2006.

On 09 August 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.

On 30 April 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 in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 28 June 2007, applicants filed the instant submission, which has properly been treated as a petition under 37 CFR 1.181. The petition was accompanied by, *inter alia*, a copy of a declaration of inventors.

DISCUSSION

Applicants have provided sufficient evidence to establish that on 09 August 2006 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 09 August 2006 and which itemizes an "Executed Declaration/Power of Attorney" and identifies the above-captioned docket number, applicants, and title. Further, practitioner states that the copy of the declaration filed 28 June 2007 is a copy of the declaration originally filed 09 August 2006. Therefore, in view of the date-stamped receipt and practitioner's statement, the declaration received on 28 June 2007 may properly be accepted as originally received in the USPTO on 09 August 2006. The NOTIFICATION OF MISSING REQUIREMENTS mailed 30 April 2007 is hereby vacated.

The declaration filed 09 August 2006 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTIFICATION OF MISSING REQUIREMENTS mailed 30 April 2007 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 2 JUN 2009

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Harvard University & Medical School
c/o Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston MA 02210-2206

In re Application of :
LIEBER et al. :
Application No. 10/588,833 : DECISION ON PETITION
Filed: 09 August 2006 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. H0498.7021US02

This is a decision on the petition, filed 19 March 2009, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional applications set forth in the concurrently filed amendment. This is also responsive to applicant's petition under 37 CFR 1.182 to correct the PCT application number and his request for a corrected filing receipt. The petition is hereby **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(5)(ii) must be accompanied by:

(1) the reference required by 35 U.S.C.§119(e)and 37 CFR §1.78(a)(5)(ii) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the prior-filed provisional applications has been included in an amended Page 1 of the specification, 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), a proper statement of unintentional delay has been submitted.

Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §119(e) to the prior-filed provisional applications satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed provisional applications under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C.§§119(e) and 37 CFR §§1.78 (a)(4) and (a)(5) must be met. Similarly, the fact that the Filing Receipt accompanying this decision on petition will include 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 this application is entitled to the benefit of the earlier filing dates.

Applicant's petition under 37 CFR 1.182 to correct the PCT application number to PCT/US2005/**004459** is **GRANTED**.

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

Any inquiries concerning this decision may be directed to Cynthia M. Kratz at (571) 272-3286.

All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application will be forwarded to Technology Center Art Unit 2813 for continued examination.

Bryan Lin

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

United States Patent and Trademark Office

Commissioner for Patents
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0 4 FEB 2008

PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
INTELLECTUAL PROPERTY & STANDARDS
370 W. TRIMBLE ROAD MS 91/MG
SAN JOSE CA 95131

In re Application of :
Klootwijk et al. :
Application No. 10/588,836 :
PCT No.: PCT/IB2005/050528 :
Int. Filing Date: 11 February 2005 :
Eff. Priority Date: 11 February 2004 : DECISION
Atty. Docket No.: US040064US2 :
For: Integrated Optical Wave Guide For :
Light Generated By A Bipolar Transistor :

This is in response to the correspondence filed on 17 December 2007.

BACKGROUND

This international application was filed on 11 February 2005, claimed an earlier priority date of 11 February 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 25 August 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 11 August 2006. Applicants filed, *inter alia*, the basic national fee on 08 August 2006.

On 16 April 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to counsel, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 07 August 2007, applicants filed a response which included payment of the surcharge and referred to an executed declaration.

On 15 January 2008, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to applicants, reflecting a 35 U.S.C. 371(c)(1), (2) and (4) date of "08/07/2007."

DISCUSSION

Review of the application file reveals that, though the response filed on 07 August 2007 referred to an executed declaration, no copy of a declaration filed on 07 August 2007 is currently present in the electronic application file. On 17 December 2007, applicants filed the instant correspondence, including a Transmittal Letter which refers to a copy of a response filed on 07 August 2007. It appears that applicants may be attempting to provide a copy of a declaration and a showing that it was originally filed on 07 August 2007. However, the submission has not been executed by a registered practitioner, and it does not include a clear request for relief. Thus, to the extent that the 17 January 2008 submission is construed as a petition, that constructive petition is dismissed, without prejudice. Applicants may wish to consider filing a proper petition in response to this decision. In the absence of such a petition, since an acceptable declaration

does not appear to have been filed as of 07 August 2007, the Notice of Acceptance mailed on 15 January 2008 was inappropriate, and it is hereby **VACATED.**

It is also noted that the declaration filed on 17 December 2007 nominates Freddy Roozeboom, in place of "ROOZEBOOM, Fred" nominated in the published international application. Since this clearly represents more than a mere typographical error or phonetic misspelling, a petition under 37 CFR 1.182 is required in order for this declaration to be accepted. *See* MPEP 605.04(b).

DECISION

The petition is **DISMISSED**, without prejudice, as explained *supra*.

Applicants have **TWO (2) MONTHS** from the mailing date of this decision, extendable under 37 CFR 1.136(a), to file a response. Failure to timely reply 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

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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26 OCT 2007

LAWRENCE SUNG0- S2IPLAW, PLLC
401 9TH STREET, NW
SUITE 900-NIXON PEABODY LLP
WASHINGTON DC 20004-2128

In re Application of :
McMAHON *et al* :
Application No.: 10/588,840 :
PCT No.: PCT/US05/04518 :
Int. Filing Date: 10 February 2005 : DECISION
Priority Date: 10 February 2004 :
Atty. Docket No.: 044108.001000 :
For: PLANT NUTRIENT REDUCTION :
SYSTEM :

This is a decision on applicants' "PETITION UNDER 37 C.F.R. 1.47(a)" filed in the U.S. Patent and Trademark Office (USPTO) on 18 September 2007.

BACKGROUND

On 10 February 2005, applicants filed international application No. PCT/US05/04518 which claimed a priority date of 10 February 2004, and which designated the United States.

The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was set to expire 30 months from the priority date, i.e. 10 August 2006.

On 08 August 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 05 April 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, *inter alia,* an oath or declaration in compliance with 37 CFR 1.497 and a surcharge for providing the oath or declaration later than 30 months from the priority date were required.

On 18 September 2007, applicants filed the present petition which requests that the application be accepted without the signature of one of the joint inventors, Paul C. Porter on the grounds that he refuses to execute the application papers. The petition was accompanied by,

inter alia, a declaration of the inventors executed by inventor McMahon, a "DECLARATION OF ADAM C. BRINK IN SUPPORT OF THE PETITION UNDER 37 C.F.R. 1.47(a)" and the requisite petition and late declaration fees.

DISCUSSION

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

Concerning item (2) above, the petition asserts that the present application should be accepted for entry into the national stage based on the refusal of the co-inventor to join in the present application for patent. In this regard, section 409.03(d) of the Manual Of Patent Examining Procedure (MPEP), under the heading "REFUSAL TO JOIN" states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> 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 application file reveals that item (2) cannot be said to have been satisfied at this time in that Mr. Brink's statement is insufficient. Specifically, it has not been established that a *bona fide* attempt was made to present Mr. Porter with a complete copy of the application

papers (specification, including claims, drawings, and oath or declaration). Additionally, it is unclear why no attempts were made to contact Mr. Porter, either in person or by mail, at his last known address.

With regard to item (4), the declaration of the inventors is not acceptable in that the name of the signing inventor does not correspond to that in the international application. Specifically, the declaration lists the signing inventor as T. Gordon McMahon while the international application lists the inventor as Gordon T. McMahon, and no explanation has been given for this discrepancy. As such item (4) cannot be said to have been satisfied.

Therefore, in that applicants have not satisfied items (2) and (4) above, the petition under 37 CFR 1.47(a) may not be properly granted at this time.

CONCLUSION

For the reasons above the petition is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

A proper response must include either (a) an acceptable declaration executed by all of the inventors, or (b) an acceptable showing that the missing joint inventor has refused to execute the application as discussed above and either an acceptable declaration executed by inventor McMahon or an explanation as to the discrepancy in the naming of inventor McMahon.

Extensions of time may be obtained under 37 CFR 1.136(a).

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

Richard R. Cole
PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

05 AUG 2008

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LAWRENCE SUNG0- S2IPLAW, PLLC
401 9TH STREET, NW
SUITE 900-NIXON PEABODY LLP
WASHINGTON DC 20004-2128

In re Application of :
McMAHON *et al* :
Application No.: 10/588,840 :
PCT No.: PCT/US05/04518 :
Int. Filing Date: 10 February 2005 : DECISION
Priority Date: 10 February 2004 :
Atty. Docket No.: 044108.001000 :
For: PLANT NUTRIENT REDUCTION :
SYSTEM :

This is a decision on applicants' "RENEWED PETITION UNDER 37 C.F.R. 1.47(a)" filed in the U.S. Patent and Trademark Office (USPTO) on 25 January 2008, and applicants' "SUPPLEMENTAL RENEWED PETITION UNDER 37 C.F.R. 1.47(a)" filed in the USPTO) on 10 June 2008.

BACKGROUND

On 18 September 2007, applicants filed an initial petition requesting that the application be accepted without the signature of one of the joint inventors, Paul C. Porter on the grounds that he refuses to execute the application papers. The petition was accompanied by, *inter alia,* a declaration of the inventors executed by inventor McMahon, a "DECLARATION OF ADAM C. BRINK IN SUPPORT OF THE PETITION UNDER 37 C.F.R. 1.47(a)" and the requisite petition and late declaration fees.

On 26 October 2007, this Office mailed a decision dismissing the petition without prejudice.

On 25 January 2008, applicants filed the present renewed petition which was accompanied by, *inter alia*, a power of attorney executed by inventor Porter.

On 10 June 2008, prior to the mailing by this Office of a Notice of Defective Response giving applicants an additional 30 days to perfect the renewed petition, applicants filed the present supplemental renewed petition which was accompanied by, *inter alia*, a declaration of the inventors executed by inventor Porter.

On 15 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a filing receipt and a Notice of Acceptance (Form PCT/DO/EO/903) indicating a date under 35 U.S.C. 371 of 18 September 2007.

DISCUSSION

A proper response to the 26 October 2007 decision would have been submission of the previously unsatisfied requirements under 37 CFR 1.47(a) or, in the alternative, a declaration executed by inventor Porter. A review of the response reveals that applicant has submitted the latter, and therefore the petition is now properly dismissed as moot.

A review of the application file, and specifically the 25 January 2008 submission reveals that the previously identified discrepancy in the name of the first inventor is the result of a typographical error in the original international application papers.

Therefore, the combination of the declarations filed 18 September 2007 and 10 June 2008, satisfy the requirements of 37 CFR 1.494 and the application now satisfies the requirements for entry into the national stage under 35 U.S.C. 371.

A review of the application file also reveals that the filing receipt and Notice of Acceptance (Form PCT/DO/EO/903) mailed 15 July 2008, were issued in error.

CONCLUSION

For the reasons above, the renewed petition is **DISMISSED** as moot.

Also for the reasons above, the filing receipt and Notice of Acceptance (Form PCT/DO/EO/903) mailed 15 July 2008, are hereby **VACATED**.

The application has an international filing date of 10 February 2005, under 35 U.S.C. 363 and a date of **10 June 2008**, under 35 U.S.C. 371(c).

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision, including the mailing of a corrected filing receipt and Form PCT/DO/EO/903.

Richard R. Cole
PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
Fax: (571) 273-0459

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January 26, 2010

Marvin Petry
Stites & Harbison PLLC
1199 North Fairfax Street, Suite 900
Alexander, VA 22314

Patent No.: 7,640,842 B2
Application No.: 10/588,847
Inventor(s): Bruno Bardazzi, et al.
Issued: January 5, 2010
Title: **PREPACKED SERVING FOR ESPRESSO COFFEE MACHINE, AND DISPENSING UNIT SUITABLE FOR USE WITH THE SAID SERVING**

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 (voice)
571-270-9892 (fax)

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Bruno Bardazzi	: DECISION ON REQUEST FOR
Patent Number	: 7640842	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/588,847	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **552** 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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BARBARA A. SHIMEI
BAYER HEALTHCARE LLC - PHARMACEUTICALS
555 WHITE PLAINS RAOD, THIRD FLOOR
TARRYTOWN, NY 10591

MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of :
Nils GRIEBENOW, et al. :
Application No. 10/588,862 : DECISION GRANTING PETITION
Filed: June 19, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **BHC 031071** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 11, 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 August 4, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.134, the signature of Mr. Gabriel J. McCool appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. McCool desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to petitioner herein. However, until otherwise instructed, all future correspondence regarding this application will be directed solely to the above-noted correspondence of record.

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

This application is being referred to Technology Center AU 1611 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **GABRIEL J. MCCOOL**
EDWARDS ANGELL PALMER & DODGE, LLP.
P.O. BOX 55874
BOSTON, MA 02205

---

[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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PFIZER INC
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK NY 10017-5612

27 SEP 2006

In re Application of
Bryans et al.
Application No.: 10/588,876
PCT No.: PCT/IB05/00079
Int. Filing Date: 11 January 2005
Earliest Priority Date: 22 January 2004
Attorney Docket No.: PC25784A
For: Triazole Derivatives Which Inhibit Vasopressin Antagonistic Activity

DECISION

This is in response to the papers filed on 09 August 2006.

BACKGROUND

International application PCT/IB05/00079 was filed on 11 January 2005, claimed an earliest priority date of 22 January 2004, and designated the United States. The International Bureau communicated a copy of the published international application to the USPTO on 01 September 2005. The 30-month period for payment of the basic national fee in the U.S. expired as of midnight on 22 July 2006. International application PCT/IB05/00079 became abandoned with respect to the national stage in the United States for failure to timely pay the basic national fee.

DISCUSSION

Applicants filed the instant papers, including a Transmittal Letter and a petition under 37 CFR 1.137(b), on 09 August 2006. Inspection of the papers reveals a discrepancy in the international application number to which they are directed. Specifically, the Transmittal Letter is directed to international application number PCT/IB05/00009, while the petition is directed to international application number PCT/IB05/00079. Review of the available records reveals that the published title of international application PCT/IB05/00009 is Radio Network Relocation, while the published title of international application PCT/IB05/00079 is Triazole Derivatives Which Inhibit Vasopressin Antagonistic Activity, neither of which matches the title appearing on the instant Transmittal Letter or petition. A specification referring to international application PCT/IB05/00079 and entitled Triazole Derivatives Which Inhibit Vasopressin Antagonistic Activity is present in the electronic application file. Though it appears that counsel may have intended the instant papers to be directed to the national stage of international application PCT/IB05/00079, a proper petition under 37 CFR 1.182 (and associated petition fee) is required in order to correct the discrepancy noted *supra*. Treatment of the petition under 37 CFR 1.137(b) is being held in abeyance pending resolution of this matter.

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 August 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 PCT Legal Office.

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

George M. Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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15 NOV 2006

PFIZER INC
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK NY 10017-5612

In re Application of
Bryans et al.
Application No.: 10/588,876
PCT No.: PCT/IB05/00079
Int. Filing Date: 11 January 2005
Earliest Priority Date: 22 January 2004
Attorney Docket No.: PC25784A
For: Triazole Derivatives Which Inhibit Vasopressin Antagonistic Activity

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 11 October 2006 and the petition under 37 CFR 1.137(b) filed on 09 August 2006.

DISCUSSION

Petition Under 37 CFR 1.182

In a decision mailed on 27 September 2006, it was observed that

> Applicants filed the instant papers, including a Transmittal Letter and a petition under 37 CFR 1.137(b), on 09 August 2006. Inspection of the papers reveals a discrepancy in the international application number to which they are directed. Specifically, the Transmittal Letter is directed to international application number PCT/IB05/00009, while the petition is directed to international application number PCT/IB05/00079. Review of the available records reveals that the published title of international application PCT/IB05/00009 is Radio Network Relocation, while the published title of international application PCT/IB05/00079 is Triazole Derivatives Which Inhibit Vasopressin Antagonistic Activity, neither of which matches the title appearing on the instant Transmittal Letter or petition. A specification referring to international application PCT/IB05/00079 and entitled Triazole Derivatives Which Inhibit Vasopressin Antagonistic Activity is present in the electronic application file. Though it appears that counsel may have intended the instant papers to be directed to the national stage of international application PCT/IB05/00079, a proper petition under 37 CFR 1.182 (and associated petition fee) is required in order to correct the discrepancy noted *supra*. Treatment of the petition under 37 CFR 1.137(b) is being held in abeyance pending resolution of this matter.

In response, applicants filed the instant petition under 37 CFR 1.182. Petitioner states that "Applicants inadvertently identified the application by an incorrect title and serial number in the accompanying Transmittal Letter... Applicants submit that the correct title of the application is 'TRIAZOLE DERIVATIVES WHICH INHIBIT VASOPRESSIN ANTAGONISTIC ACTIVITY' and that the correct serial number is PCT/IB05/00079." The instant petition is accompanied by a new Transmittal Letter, Application Data Sheet and specification with the correct title and international application number recorded thereon respectively. In view of the circumstances presented in this case, it would be appropriate to conclude that the instant

application is the U.S. national stage under 35 U.S.C. 371 of international application PCT/IB05/00079. Accordingly, the petition under 37 CFR 1.182 is **GRANTED**. The corrected Transmittal Letter, Application Data Sheet and copy of the specification accompanying the petition are therefore accepted for entry into the application file as replacements for the respective papers filed on 09 August 2006.

Petition Under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 09 August 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant states that "the entire delay in either entering the national phase in the U.S. or filing a continuation application from the due date of July 23 2006 until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement in the petition is not correct. Thus, said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant 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.

CONCLUSION

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

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

This application is being forwarded to the United States Designated/Elected Office for further processing, including (1) 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), and (2) the correction of USPTO records, including PALM records, to reflect that this application is the U.S. national stage of international application PCT/IB05/00079 and that its title is "Triazole Derivatives Which Inhibit Vasopressin Antagonistic Activity."

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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05 DEC 2006

PFIZER INC
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK, NY 10017-5612

In re Application of RYCKMANS	:	
U.S. Application No.: 10/588,878	:	
PCT Application No.: PCT/IB2005/000263	:	DECISION
Int. Filing Date: 05 January 2005	:	
Priority Date Claimed: 13 January 2004	:	
Attorney Docket No.: PC26077A	:	
For: COMPOUNDS USEFUL IN THERAPY	:	

This is in response to applicant's "Petition for Revival of Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b)" filed 09 August 2006.

BACKGROUND

On 05 January 2005, applicant filed international application PCT/IB2005/000263, which claimed priority of an earlier United Kingdom application filed 13 January 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 28 July 2005. The thirty-month period for paying the basic national fee in the United States expired on 13 July 2006.

International application PCT/IB2005/000263 became abandoned as to the United States for failure to timely pay the basic national fee.

On 09 August 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), the petition states, "[T]he entire delay in either entering the national phase in the U.S. or filing a continuation application from the due date of July 06, 2006 until the filing of a grantable petition under 37 CFR §1.137(b) 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.

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 Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 4 DEC 2008

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Colin P. Abrahams
5850 Canoga Avenue
Suite 400
Woodland Hills, CA 91367

In re Application of	:
Visser et al.	:
US Application No.: 10/588,881	:
PCT Application No.: PCT/ZA05/00033	:
Int. Filing Date: 9 February 2005	: DECISION ON PETITION UNDER
Priority Date: 9 February 2004	: 37 CFR 1.137 (b)
Attorney Docket No.: 1365-101.US	:
For: SECURITY SYSTEM FOR STORING	:
AND TRANSPORTING ARTICLES	:

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)", filed in the United States Patent and Trademark Office on 29 September 2008.

BACKGROUND

On 9 February 2005, applicant filed international application PCT/ZA05/00033. The international application claims a priority date of 9 February 2004 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, which is 9 August 2006.

On 9 August 2006, applicants filed a submission for entry into the national stage under 35 U.S.C. 371 in the United States which was accompanied by, inter alia, the U.S. Basic National Fee as required by 35 U.S.C. 371(c) (1), and a preliminary amendment.

On 17 March 2008, 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) was required. The notification set a two-month time limit in which to respond.

On 29 September 2008, applicant filed the instant petition under 37 CFR 1.137(b) which was accompanied by a declaration of the inventors as required by 35 U.S.C. 371(c) (4), a power of attorney, and the petition fee of $770.00.

DISCUSSION

The above-identified application was abandoned on 20 May 2008 for failure to respond to the Notification of Missing Requirements mailed 17 March 2008.

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, unless previously filed, (2) the petition fee as 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).

Petitioner has satisfied requirements (1)-(4) under 37 CFR 1.137 (b).

CONCLUSION

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.

/Helen L. Pezzuto/
Detailee
PCT Legal Administration
Telephone: 571-272-6094
Facsimile: 571-273-0459

Boris Milef
PCT Legal Examiner
PCT Legal Administration
Telephone: 571-272-3288
Facsimile: 571-273-045

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 04/21/2010

Applicant	: Gualtiero Barezzani	: DECISION ON REQUEST FOR
Patent Number	: 7574961	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/588,896	: OF WYETH
Filed	: 03/02/2007	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

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30 JAN 2009

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

In re Application of	:	
LEAH, et al.	:	DECISION ON PETITION
U.S. Application No.: 10/588,897	:	
PCT No.: PCT/GB05/00355	:	UNDER 37 CFR 1.181
Int. Filing Date: 02 February 2005	:	
Priority Date: 10 February 2004	:	
Atty Docket No.: XA-10629	:	
For: A METHOD AND APPARATUS FOR OPERATING A SOLID-OXIDE FUEL CELL STACK WITH A MIXED....ELECTROLYTE	:	

This decision is in response to applicant's correspondence filed 24 November 2008 in the United States Patent and Trademark Office (USPTO). The filing is being treated as a petition under 37 CFR 1.181 to accord a 35 U.S.C. 371 date of 14 October 2008. No petition fee is required.

BACKGROUND

On 02 February 2005, applicant filed international application PCT/GB05/00355, which claimed priority to an earlier application filed 10 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 25 August 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 10 August 2006.

On 10 August 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 preliminary amendment.

On 12 August 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

On 14 October 2008, applicant responded with an executed combined declaration and power of attorney.

On 30 October 2008, applicant was mailed a NOTIFICATION OF DEFECTIVE

RESPONSE (Form PCT/DO/EO/916) informing applicant that the declaration was defective as, "the address of the first three inventors have been scratched through and are hand written." Applicant was afforded one month or the extendable time remaining from the mail date of the Form PCT/DO/EO/905 to file a proper response.

On 24 November 2008, applicant filed the present petition.

DISCUSSION

Applicant concedes that the declaration filed 14 October 2008 contained non-initialed alterations. However, applicant contends that the mailing of a Form PCT/DO/EO/916 was not appropriate as the information on the declaration which was altered (post office addresses of inventors 1-4) is not a requirement of the declaration under 37 CFR 1.497(a)-(b). Applicant has presently provided a supplemental Application Data Sheet providing the updated post office addresses as a redress.

Applicant is correct that the post office addresses of the inventors is not a requirement under 37 CFR 1.497(a)-(b) and that as discussed in that section, "if the oath or declaration does not also meet the requirements of § 1.63, a supplemental oath or declaration in compliance with § 1.63 or an application data sheet will be required in accordance with § 1.67." However, once the information is supplied on the declaration, that information becomes part of the declaration and cannot be altered without being dated and initialed by the applicant on the same sheet of paper. (See Manual of Patent Examining Procedure sections 602.01 and 605.04(a).) Further, 37 CFR 1.52(c) requires that:

> Any interlineation, erasure, cancellation or other alteration of the application papers filed must be made before the signing of any accompanying oath or declaration pursuant to § 1.63 referring to those application papers and should be dated and initialed or signed by the applicant on the same sheet of paper. Application papers containing alterations made after the signing of an oath or declaration referring to those application papers must be supported by a supplemental oath or declaration under § 1.67.

As such the filed declaration is not compliant and it would not be proper to accord the application a 35 U.S.C. 371 date of 14 October 2008. Further, the filing of the supplemental Application Data Sheet is not considered a valid response to the Form PCT/DO/EO/916 and as the period for responding has expired this application is considered abandoned as to the National stage in the United States.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **DISMISSED**.

This application is **ABANDONED**.

This application is being forward to the Office of PCT Operations, National stage processing for the preparation and mailing of a "Notification of Abandonment" (Form PCT/DO/EO/909).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

22 MAY 2009

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SUITE 500
MCLEAN, VA 22102-3833

In re Application of	:	
LEAH, et al.	:	DECISION ON
U.S. Application No.: 10/588,897	:	
PCT No.: PCT/GB05/00355	:	RENEWED PETITION
Int. Filing Date: 02 February 2005	:	
Priority Date: 10 February 2004	:	UNDER 37 CFR 1.181
Atty Docket No.: XA-10629	:	
For: A METHOD AND APPARATUS FOR OPERATING A SOLID-OXIDE FUEL CELL STACK WITH A MIXED....ELECTROLYTE	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.181 filed 30 March 2009 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 30 January 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 and notification of abandonment.

On 30 March 2009, applicant filed the present request for reconsideration.

DISCUSSION

Applicant's present request for reconsideration does not contain a rationale for withdrawing the holding of abandonment. Applicant states that it was understood, "that the Office was simply seeking clear and legible addresses for all the inventors." However, the "Notification of Defective Response" (Form PCT/DO/EO/916) mailed 30 October 2008 clearly indicated that the declaration filed 14 October 2008 was defective and that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be furnished within one month. The notice further provided an explanation as to why the declaration was defective and advised applicant to resubmit an oath or declaration. In response applicant provided a supplemental application data sheet and an argument that the Form PCT/DO/EO/916 should have not been mailed. This was not a proper reply and has the period for responding has expired the application was properly held abandoned.

It is further noted that the four page combined declaration and power of attorney filed 02 April 2009 is also non-compliant. Specifically, MPEP Section 201.03 states that:

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 separate signature pages one executed by the inventors Leah and Schmidt, one executed by Brandon and one executed by inventor Koury. This suggests that either the filed declaration was compiled from numerous declarations or that the inventors only returned their signature pages. Either scenario renders the document non-compliant.

RECOMMENDATION

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

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

CONCLUSION

For the reasons detailed above, applicant's renewed petition under 37 CFR 1.181 is **DISMISSED**.

This application remains **ABANDONED**.

This application is being forward to the Office of PCT Operations, National stage processing for the preparation and mailing of a "Notification of Abandonment" (Form PCT/DO/EO/909).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

21 OCT 2009

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MCLEAN, VA 22102-3833

In re Application of	:	
LEAH, et al.	:	DECISION ON
U.S. Application No.: 10/588,897	:	
PCT No.: PCT/GB05/00355	:	RENEWED PETITION
Int. Filing Date: 02 February 2005	:	
Priority Date: 10 February 2004	:	UNDER 37 CFR 1.181
Atty Docket No.: XA-10629	:	
For: A METHOD AND APPARATUS FOR OPERATING A SOLID-OXIDE FUEL CELL STACK WITH A MIXED....ELECTROLYTE	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.181 filed 22 July 2009 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 22 May 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 and notification of abandonment.

On 22 July 2009, applicant filed the present request for reconsideration.

DISCUSSION

A review of the Form PCT/DO/EO/916 mailed to applicant on 30 October 2008 did not list all of the numerous defects in the declaration filed 14 October 2008 and therefore did not afford applicant an opportunity to rectify all of the defects. As such, the Form PCT/DO/EO/916 mailed 30 October 2008 is hereby **VACATED**. An examination of the declaration concurrently filed with the present renewed petition finds that it complies with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/916 mailed 30 October 2008 is hereby **VACATED**.

The application has an international filing date of 02 February 2005 under 35 U.S.C. 363 and will be given a date of **22 July 2009** 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

25 JUN 2007

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

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

In re Application of	:	
DOYLE	:	
Application No.: 10/588,909	:	DECISION
PCT No.: PCT/GB2005/000384	:	
Int. Filing Date: 04 February 2005	:	
Priority Date: 05 February 2004	:	
Attorney's Docket No.: EIP26.001APC	:	
For: A MARKUP LANGUAGE TRANSLATOR SYSTEM	:	

This decision is in response to applicants' "Petition to Withdraw Improper Holding of Abandonment Pursuant to 37 CFR 1.181(a)" filed in the United States Patent and Trademark Office (USPTO), which has properly been treated as a petition under 37 CFR 1.182, on 02 April 2007.

BACKGROUND

On 04 February 2005, applicants filed international application PCT/GB2005/000384, which designated the United States and claimed a priority date of 05 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 August 2006 (05 August 2006 being a Saturday).

On 04 August 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, a Transmittal Letter and a preliminary amendment.

On 16 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to failure to pay the U.S. Basic National Fee by thirty months from the earliest priority date.

On 02 April 2007, applicants filed the instant petition.

DISCUSSION

The petition filed 02 April 2007 requests that the holding of abandonment for failure to pay fees on time be withdrawn because there was an authorization to charge any additional fees necessary to Deposit Account 11-1410 in the preliminary amendment filed 04 August 2006. However, the Transmittal Letter filed 04 August 2006 states that "The total fees calculated above will be paid at a later date." There is an "X" in parentheses adjacent the front of this statement. The "total fees calculated above" include the basic national fee. Because applicant gave conflicting instructions regarding the payment of fees on the day the application was filed, a petition under 37 CFR 1.182 is required to resolve the discrepancy. The petition fee of $400 has been charged to Deposit Account 11-1410. The U.S. Basic National Fee of $300 has also been charged to Deposit Account 11-1410. Accordingly, the NOTIFICATION OF ABANDONMENT mailed 16 March 2007 is hereby VACATED.

CONCLUSION

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

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 16 March 2007 is VACATED.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring, *inter alia*, 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
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

06/25/2007 SBASHEIR 00000003 111410 10588909
Sale Ref: 00000004 DAH: 111410 10588909
01 FC:1462 400.00 DA
02 FC:1631 300.00 DA

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May 27, 2009

Leonard Holtz
Frishauf, Holtz, Goodman & Chick, P.C.
220 Fifth Avenue, 16th Floor
New York, NY 10001-7708

Patent No.: 7,522,004 B2
Application No.: 10/588,910
Inventor: Sumio Saito
Issued: April 21, 2009
Title: **HIGH-FREQUENCY ELECTRONIC SWITCH, AND BURST WAVE GENERATING DEVICE USING THE SAME AND SHORT RANGE RADAR USING THE SAME**

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
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(703) 756-1591

vt

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 FIFTH AVENUE
16TH FLOOR
NEW YORK NY 10001-7708

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Patent No. 7,522,004 :
Issue Date: April 21, 2009 :
Application No. 10/588,910 : ON PETITION
Filed: August 9, 2006 :
Attorney Docket No. 06522/LH :

This is a decision on the petition filed January 21, 2010, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is **DISMISSED**.

Petitioner requests issuance of a certificate of correction in the name of "MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., Osaka (JP).

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

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. *See also* MPEP 1481.01.

U.S. Patent and Trademark Office assignment records disclose that a change of name of the assignee from "MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD." to "PANASONIC CORPORATION" was recorded on November 18, 2008. The patent issued on April 21, 2009.

Therefore, the assignee's name at the time of issuance is "PANASONIC CORPORATION", which would be proper if requested.

Telephone inquiries concerning this decision on petition should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

Mail Date: 04/21/2010

Applicant	: Paul Meldahl	: DECISION ON REQUEST FOR
Patent Number	: 7583387	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/588,926	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/28/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **253** 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 DEC 2006

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David Silverstein
Andover-IP-Law
44 Park Street, Suite 300
Andover, MA 01810

In re Application of
MUKADDAM et al.
Application No.: 10/588,930
Filing Date: 09 August 2006
Attorney Docket No.: WLI-001A
For: ULTRAVIOLET LASER SYSTEM FOR DECOMPOSING CHEMICAL POLLUTANTS

NOTIFICATION

This is in response to applicant's Petition under 37 CFR 1.182 to Convert to a §111(a) application, originally filed in the United States Patent and Trademark Office on 25 September 2006 and refiled via facsimile on 15 November 2006.

BACKGROUND

On 22 March 2005, applicant filed international application PCT/US05/09500, which claimed a priority date of 25 March 2004. The thirty month period for paying the basic national fee expired at midnight on 22 September 2006.

On 09 August 2006, applicant filed two transmittal letters for entry into the national stage in the United States which were accompanied by, *inter alia*, the U.S. Basic National Fee. The files were assigned serial numbers 10/588,930 (attorney reference number WLI-001A) and 10/588,933 (attorney reference number WLI-001B) . Application 10/588,933 proceeded as the national stage of PCT/US05/09500.

On 06 November 2006, a decision was mailed to applicant indicating that 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. Applicant was instructed to advise the USPTO regarding treatment of the second set of national stage papers.

On 25 September 2006, applicant filed the instant petition under 37 CFR 1.182 to requesting treatment of the application papers under 35 U.S.C. 111(a) filed on 09 August 2006 in the above referenced application. On 08 December 2006, applicant filed an amended specification.

DISCUSSION

Applicant instructions indicate that the papers assigned application no. 10/588,930 be treated as filed under 35 U.S.C. 111(a). In view of the above, it is proper to treat the initial filing as a filing under 35 U.S.C. 111(a). *See* MPEP 1893.03(a).

To claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, this application (Serial No. 10/588,930) and the

international application (PCT/US05/09500) designating the United States must be copending. Upon review, these applications were copending on 09 August 2006.

In order to obtain benefit of the earlier international application, applicant must make reference to the previous application and state the relationship. The required reference may either be in an application data sheet or the specification must contain or be amended to contain such reference in the first sentence. Here, applicant submitted an appropriate passage in the submission filed on 8 December 2006: "This is a Continuation of International Patent Application PCT/US05/09500, filed March 22, 2005, and claims priority to U.S. provisional patent application Serial no. 60/556,463, filed March 25, 2004."

Applicant is reminded that in order to perfect the claim for priority under 35 U.S.C. 119, applicant must submit a certified copy of the priority document. The certified copy of priority document submitted to the International Bureau cannot be relied upon to perfect the claim for priority. See MPEP §1896.

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for further processing and to accord a filing date of 09 August 2006.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

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14 DEC 2007

David Silverstein
Andover-IP-Law
44 Park Street, Suite 300
Andover, MA 01810

In re Application of :
MUKADDAM et al. :
Application No.: 10/588,930 :
Filing Date: 09 August 2006 : DECISION
Attorney Docket No.:WLI-001A :
For: ULTRAVIOLET LASER SYSTEM FOR :
DECOMPOSING CHEMICAL POLLUTANTS :

This is in response to applicant's Petition to Accept Application as Filed to Convert to a §111(a) application, filed in the United States Patent and Trademark Office on 14 September 2007.

BACKGROUND

On 22 March 2005, applicant filed international application PCT/US05/09500, which claimed a priority date of 25 March 2004. The thirty month period for paying the basic national fee expired at midnight on 22 September 2006.

On 09 August 2006, applicant filed two transmittal letters for entry into the national stage in the United States which were accompanied by, *inter alia*, the U.S. Basic National Fee. The files were assigned serial numbers 10/588,930 (attorney reference number WLI-001A) and 10/588,933 (attorney reference number WLI-001B) . Application 10/588,933 proceeded as the national stage of PCT/US05/09500.

On 06 November 2006, a decision was mailed to applicant indicating that 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. Applicant was instructed to advise the USPTO regarding treatment of the second set of national stage papers.

On 14 September 2007, applicant filed the instant petition under 37 CFR 1.182 to requesting treatment of the application papers under 35 U.S.C. 111(a) filed on 09 August 2006 in the above referenced application. On 08 December 2006, applicant filed an amended specification.

DISCUSSION

Applicant's instructions indicate that the papers assigned application no. 10/588,930 should be treated as filed under 35 U.S.C. 111(a). In view of the above, it is proper to treat the initial filing of 10/588,930 as a filing under 35 U.S.C. 111(a). *See* MPEP 1893.03(a).

To claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international

application for the common subject matter, this application (Serial No. 10/588,930) and the international application (PCT/US05/09500) designating the United States must be copending. Upon review, these applications were copending on 09 August 2006.

In order to obtain benefit of the earlier international application, applicant must make reference to the previous application and state the relationship. The required reference may either be in an application data sheet or the specification must contain or be amended to contain such reference in the first sentence. Here, applicant submitted an appropriate passage in the submission filed on 8 December 2006: "This is a Continuation of International Patent Application PCT/US05/09500, filed March 22, 2005, and claims priority to U.S. provisional patent application Serial no. 60/556,463, filed March 25, 2004."

Applicant is reminded that in order to perfect the claim for priority under 35 U.S.C. 119, applicant must submit a certified copy of the priority document. The certified copy of priority document submitted to the International Bureau cannot be relied upon to perfect the claim for priority. See MPEP §1896.

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for further processing and to accord a filing date of 09 August 2006.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

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AMIN, TUROCY & CALVIN, L.L.P.
1900 EAST 9TH STREET
NATIONAL CITY CENTER, 24TH FLOOR
CLEVELAND, OH 44114

COPY MAILED

AUG 15 2008

In re Application of :
Munetaka Kunishima :
Application No. 10/588,940 : DECISION ON PETITION
Filed: August 8, 2006 :
Attorney Docket No. NANP135US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 10, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on December 11, 2007. A Notice of Abandonment was mailed April 14, 2008.

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

Further, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,050.00, three month extension of time fee submitted with the petition on July 14, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card in due course.

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

This application is being referred to Technology Center AU 1624 for appropriate action by the Examiner in the normal course of business on the reply received.

Liana Walsh
Petitions Examiner
Office of Petitions

06 SEP 2006

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Michael O. Scheinberg
P.O. Box 164140
Austin, Texas 78716-4140

In re Application of	:	DECISION ON
Boswell et al	:	
Application No.: 10/588,981	:	
PCT No.: PCT/US2004/034984	:	
Int. Filing Date: 16 October 2004	:	PETITION UNDER
Priority Date: 17 October 2003	:	
Attorney's Docket No.: F146	:	
For: CHARGED PARTICLE EXTRACTION DEVICE	:	
AND METHOD OF DESIGN THERE FOR	:	37 CFR 1.137(b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 10 August 2006.

BACKGROUND

On 16 October 2004, this international application was filed, claiming an earliest priority date of 17 October 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 17 April 2006. This international application became abandoned with respect to the United States at midnight on 17 April 2006 for failure to pay the required basic national fee.

On 10 August 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 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**.

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

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

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29 JUL 2008

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Alexandria, VA 22313-1450
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MICHAEL O. SCHEINBERG
P.O. BOX 164140
AUSTIN, TEXAS 78716-4140

In re Application of:
BOSWELL, Roderick, et al.
U.S. Application No.: 10/588,981
PCT No.: PCT/US2004/034984
International Filing Date: 16 October 2004
Priority Date: 17 October 2003
Atty Docket No.: F146
For: CHARGED PARTICLE EXTRACTION DEVICE AND METHOD OF DESIGN THERE FOR

DECISION ON PETITION

This decision is issued in response to the "Petition Under 37 CFR 1.181(a) For Withdraw Holding Of Abandonment" filed 13 June 2008. No petition fee is required.

BACKGROUND

On 16 October 2004, applicant filed international application PCT/US2004/034984. The international application claimed a priority date of 17 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., 17 April 2006.

Applicant did not enter the U.S. national stage and submit the basic national fee prior to 17 April 2006. Accordingly, the international application was abandoned with respect to the United States as of midnight on 17 April 2006.

On 10 August 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, an Application Data Sheet (ADS), and a petition for revival under 37 CFR 1.137(b). The ADS directed correspondence herein to be addressed to Customer Number 25,784 (which corresponds to the address set forth above).

On 06 September 2006, this Office issued a decision granting applicants' petition for revival of the international application.

On 18 October 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required. However, this Notification was directed to a mailing address that is unrelated to the above correspondence address of record.

On 27 March 2008, applicants filed declarations executed by the two inventors of record herein.

On 12 May 2008, 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 timely response to the Notification Of Missing Requirements mailed 18 October 2006.

On 13 June 2008, applicant filed the "Petition Under 37 CFR 1.181(a) For Withdraw Holding Of Abandonment" considered herein. The petition asserts that the holding of abandonment should be withdrawn because the Notification Of Missing Requirements upon which the abandonment is based was mailed to an incorrect address and therefore was not received by applicants.

DISCUSSION

A review of the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed herein on 18 October 2006 confirms that the Notification was not mailed to the correspondence address of record in the present application. Accordingly, the Notification of Missing Requirements mailed 18 October 2006 is appropriately vacated.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 12 May 2008, based as it was on applicants' failure to timely respond to the vacated Notification Of Missing Requirements that was mailed to an incorrect address, is also appropriately vacated, as requested by applicants in the present petition.

As noted above, applicants herein have now filed executed declarations, as required by the Notification Of Missing Requirements. Deposit Account No. 50-1635 will be charged the required $130 surcharge for filing the declarations later than thirty months after the priority date. Based on applicants' submission of the executed declarations and payment of the required surcharge, there is no need for a corrected Notification Of Missing Requirements to be issued herein.

CONCLUSION

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

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 12 May 2008 and the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 18 October 2006, upon which the abandonment was based, are hereby **VACATED**.

Deposit Account No. 50-1635 will be charged the $130 surcharge for filing the executed declarations later than thirty months after the priority date.

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. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 27 March 2008.

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

29 AUG 2006

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Timothy J. Zarley
Zarley Law Firm, P.L.C.
Capital Square
400 Locust Street, Suite 200
Des Moines, Iowa 50309-2350

In re Application of :
WATSON et al. :
Application No.: 10/589,012 : DECISION ON PETITION
PCT No.: PCT/US05/03553 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 04 February 2005 :
Priority Date: 05 February 2004 :
Attorney Docket No.: P06721US1-WATSON :
For: SIGNAGE CONSTRUCTION METHOD :
AND APPARATUS

The petition to revive under 37 CFR 1.137(b) filed 10 August 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 PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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

Birch Stewart Kolasch & Birch
PO Box 747
Falls Church, VA 22040-0747

COPY MAILED

MAR 18 2008

OFFICE OF PETITIONS

In re Application of	:	
Scott A. Williams	:	
Application No. 10/589,022	:	DECISION ON PETITION
Filed: March 8, 2007	:	TO WITHDRAW
Attorney Docket No. 0175-0383PUS2	:	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 30, 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 Marc S. Weiner 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: **Scott A. Williams**
105 Kensington Court
Livonia, NY 14487

cc: **Paul Jetter**
RR2, Box 489H
Hawley, PA 18428

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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
10/589,022	03/08/2007	Scott A. Williams	0175-0383PUS2

CONFIRMATION NO. 4177

POWER OF ATTORNEY NOTICE

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

OC000000028899090

Date Mailed: 03/17/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/30/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

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

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Falls Church, VA 22040-0747

COPY MAILED

MAR 18 2008

OFFICE OF PETITIONS

In re Application of :

Scott A. Williams :
Application No. 10/589,023 : DECISION ON PETITION
Filed: March 8, 2007 : TO WITHDRAW
Attorney Docket No. 0175-0344PUS2 : 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 30, 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 Marc S. Weiner 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: **Scott A. Williams**
105 Kensington Court
Livonia, NY 14487

cc: **Paul Jetter**
RR2, Box 489H
Hawley, PA 18428

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/589,023	03/08/2007	Scott A. Williams	0175-0344PUS2

CONFIRMATION NO. 4170

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

POWER OF ATTORNEY NOTICE

OC00000002889701

Date Mailed: 03/17/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/30/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

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

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720 HAMPTON ROAD
SHAVERTOWN PA 18708

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JUL 20 2010

OFFICE OF PETITIONS

In re Application of
Scott A. Williams
Application No. 10/589,023
Filed: March 8, 2007
Attorney Docket No. **181.001**

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 21, 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 January 4, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed October 2, 2009. Accordingly, the date of abandonment of this application is January 5, 2010.

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 $755 and the publication fee of $300, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

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 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 JoAnne Burke at (571) 272-4584.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Scott A. Williams
105 Kensington Ct
Livonia, NY 14487

15 NOV 2006

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Oleg Kaplun
FAY KAPLUN & MARCIN, LLP
150 Broadway, Suite 702
New York, NY 10038

In re Application of :
BESSETTE, Bruno :
Application No.: 10/589,035 :
PCT No.: PCT/CA2005/0000220 :
Int. Filing Date: 18 February 2005 :
Priority Date: 18 February 2004 : **DECISION**
Attorney's Docket No.: 40128/05101 :
For: METHODS AND DEVICES FOR LOW-FREQUENCY EMPHASIS DURING AUDIO COMPRESSION BASED ON ACELP/TCX :

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 18 February 2005, applicant filed international application PCT/CA2005/0000220 claiming priority to a Canadian patent application filed 18 February 2004.

On 10 August 2006, applicant filed three sets of papers to enter the national stage of PCT/CA2005/0000220 using three different docket numbers 40128/05101, 40128/04901, and 40128/05001. Docket number 40128/05101 was processed as the national stage application of PCT/CA2005/0000220 and denoted as U.S. application number 10/589,035. The other two applications were denoted as U.S. application Nos. 10/589,009 and 10/588,986 respectively. Fees were paid in all three applications.

On 16 October 2006 and 08 November 2006, applicant filed via facsimile a request asking that the DO/EO/US combine the three national stage applications into a single application and that the Preliminary Amendment filed originally in U.S. application number 10/589,035 using docket number 40128/05101 be examined on their merits.

DISCUSSION

As is evident from the above recited facts, three sets of papers to enter the national stage were submitted for international application of PCT/CA2005/0000220.

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.

Applicant requests that the original Preliminary Amendment filed in U.S. application number 10/589,035 be entered in the national stage application of PCT/CA2005/0000220 so that claims 35-66 can be examined on their merits.

CONCLUSION

All three applications filed 10 August 2006 will be **MERGED** into **ONE** national stage application for PCT/CA2005/0000220.

Applicant must use only U.S. application No. **10/589,535** for all correspondence pertaining for the national stage application of PCT/CA2005/0000220.

The attorney docket number for the above-captioned national stage application remains 40128/05101.

Applicant is advised that U.S. application Nos. 10/589,009 and 10/588,986 are no longer valid patent application numbers.

Claims 35 to 66 will be examined on their merits as requested in the Preliminary Amendment filed originally in docket No. 40128/05101.

The fees paid in U.S. application No. 10/589,006 and 10/589 have been credited back to counsel's credit card.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

31 AUG 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Docket Administrator
LOWENSTEIN SANDLER PC
65 Livingston Avenue
Roseland, NJ 07068

In re Application of:
GADDY, William
U.S. Application No.: 10/589,064
Int'l Application No: PCT/US2005/001412
Int'l Filing Date: 14 January 2005
Priority Date: 16 January 2004
Atty Docket No.: 19008-38
For: SYSTEM AND METHOD FOR DYNAMICALLY CONFIGURED, ASYMMETRIC ENDPOINT VIDEO EXCHANGE

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 10 August 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" 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 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 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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20 NOV 2006

Kevin L. Bastian
Townsend & Townsend & Crew, LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

In re Application of	:	
GARREN, et al.	:	DECISION ON PETITION
Application No.: 10/589,067	:	
PCT No.: PCT/US04/32598	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 01 October 2004	:	
Priority Date: 03 October 2003	:	
Atty. Docket No.: 021686-000910US	:	
For: TREATMENT OF DEMYELINATING AUTO-IMMUNE DISEASE WITH MODIFIED ORDERED PEPTIDES	:	

The petition to revive under 37 CFR 1.137(b) filed 10 August 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. 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
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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28 JUN 2007

CHERYL LILJESTRAND
TANOX, INC.
10301 STELLA LINK
HOUSTON, TX 77025-5497

In re Application of LIU et al :
U.S. Application No.: 10/589,068 :
PCT Application No.: PCT/US2005/004729 :
Int. Filing Date: 10 February 2005 : DECISION
Priority Date Claimed: 11 February 2004 :
Attorney Docket No.: Case 1004 US :
For: A METHOD FOR THE REMOVAL OF :
AGGREGATE PROTEINS . . . :

This is in response to applicant's "Petition Under 37 C.F.R. § 1.47(a)" filed 13 June 2007.

BACKGROUND

On 10 February 2005, applicant filed international application PCT/US2005/004729, which claimed priority of an earlier United States application filed 11 February 2004. The thirty-month period for paying the basic national fee in the United States expired on 11 August 2006.

On 10 August 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 13 April 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 13 June 2007, applicant filed the present petition under 37 CFR 1.47(a) along with an executed declaration.

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 a declaration signed by the available inventor 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 inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.
>
> * * *
>
> 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 Ke Tang cannot be reached. However, the petition does not sufficiently illustrate that a diligent effort was made to find Tang. The statement of Cheryl Liljestrand provides documentary evidence of one attempt to locate Tang by mail (see copy of letter dated 18 July 2006). However, the petition fails to indicate whether such letter was successfully received. If the mailing address is correct, it would not be reasonable to allege that Tang cannot be located. Furthermore, the petition states that several telephone messages left for Tang. Again, if the telephone number used is correct, it would not be reasonable to allege that Tang cannot be found. In addition, the petition does not provide any details of other attempts to reach Tang, e.g. by electronic mail, by searching public directories, and by asking

Tang's former employer and co-workers. Thus, it would not be reasonable to conclude at the present time that Tang cannot be found after diligent effort.

If petitioner later alleges that Tang's conduct constitutes a refusal to sign, petitioner must demonstrate that a bona fide attempt was made to present a complete copy of the application papers (including specification, claims, drawings, and oath/declaration) to Tang for signature and that Tang actually received such papers. Furthermore, the petition must include a supporting affidavit from the person with firsthand knowledge of the refusal.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONATHAN P. O"BRIEN, PH.D.
HONIGMAN MILLER
SCHWARTZ AND COHN
350 EAST MICHIGAN AVENUE
SUITE 300
KALAMAZOO MI 49007

COPY MAILED

MAR 12 2010

In re Application of :
Adamson :
Application No. 10/589,088 : DECISION
Filed/Deposited: 10 August, 2006 :
Attorney Docket No. 126866-00008 :

This is a decision on the petition filed on 17 November, 2009, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

Contemporaneously with the submission of the petition, Petitioner appears to have submitted a request and fee for extension of time in an attempt to extend the date of abandonment forward from after midnight 30 June, 2009.

This is not appropriate.

When an application is abandoned at the shortened statutory period because no attempt was made timely to extend to the statutory maximum and provide a proper and timely reply, it is not possible to do so retroactively. The fee is refunded.

It also is noted that it is unnecessary in the present context for Petitioner to supplement the statement of unintentional delay above that already present in the petition form as provided by the Office.

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

As to the 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.

The attentions of all Petitioner always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 30 March, 2009, with reply due absent an extension of time on or before 30 June, 2009.

The application went abandoned by operation of law after midnight 30 June, 2009.

The Office mailed the Notice of Abandonment on 14 October, 2009.

On 17 November, 2009, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, with a reply in the form of an amendment, and a statement of unintentional delay.

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]

[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).

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]))

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 the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 1793 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.

---

[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.

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.

10 MAR 2008

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Robert E. Krebs
Thelen Reid & Priest
P.O. Box 640640
San Jose CA 95164-0640

In re Application of
JOUVE et al.
Application No.: 10/589,112
PCT No.: PCT/FR05/50116
Int. Filing Date: 22 February 2005
Priority Date: 24 February 2004
Atty. Docket No.: 034299-000708
For: SPECTROMETRY DIAGNOSTIC ELECTRONIC CIRCUIT AND ASSOCIATED COUNTING SYSTEM

DECISION

This decision is issued in response to applicant's "Request to Correct Filing Receipt and Notice of Acceptance under 35 U.S.C. 371 and 37 CFR 1.495" filed 01 October 2007 and applicant's "Petition to Acknowledge Original 35 U.S.C. 371 Application Filing Date as Official Filing Date" filed on 04 March 2008, which are being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 10 August 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.

On 29 August 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 07 August 2007 and a 35 U.S.C. 371 completion date of 07 August 2007.

On 01 October 2007, applicant filed "Request to Correct Filing Receipt and Notice of Acceptance under 35 U.S.C. 371 and 37 CFR 1.495."

On 04 March 2008, applicant filed "Petition to Acknowledge Original 35 U.S.C. 371 Application Filing Date as Official Filing Date."

DISCUSSION

Applicant requests a corrected filing date (or 371(c) date) from 07 August 2007 to 10 August 2006. The actual filing date of the present application is the international filing date, i.e., 22 February 2005. (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)

Applicant states in their present petition that a declaration was received at the United States Patent and Trademark Office on 10 August 2006. A review of the present application reveals that the declaration and power of attorney filed 10 August 2006 is not located therein. Section 503 of the Manual of Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

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

The accompanying copy of the post card receipt identifies the application by applicant, title of invention, and attorney docket number. The receipt itemizes, among other materials, the requisite basic national fee; a copy of the international application; a preliminary amendment; and an executed declaration. The receipt is stamped "Rec'd PCT/PTO 10 AUG 2006" across its face and is sufficient to indicate that the declaration was in fact received in the Office on 10 August 2006. Therefore, the correction of the "FILING DATE" on the filing receipt to indicate a date of 10 August 2006 is proper since applicant completed the requirements set forth in 35 U.S.C. 371(c) on 10 August 2006. (See MPEP section 1893.03(b)).

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 of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 29 August 2007 is hereby **VACATED**.

The application has an international filing date of 22 February 2005 under 35 U.S.C. 363 and a date of 10 August 2006 under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of 10 August 2006 under 35 U.S.C. 371(c) and preparation and mailing of a corrected Filing Receipt in accordance with this decision, that is a filing receipt

that identifies a filing date of 10 August 2006.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/25/09

TO SPE OF : ART UNIT **2451 (2400)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/589,115** Patent No.: **7,506,028**

Attn: Zarni Maung

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)
South Tower - 9A22
Palm Location 7580

Ernest C. White, LIE
Certificates of Correction Branch
703-308-9390 ext.122

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: _____

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

_____ 2451
SPE **Art Unit**

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QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

Mail Date: 04/20/2010

Applicant	: Angelo Michael Turco	: DECISION ON REQUEST FOR
Patent Number	: 7596911	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/589,121	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **306** 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, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314**

COPY MAILED

SEP 17 2007

OFFICE OF PETITIONS

In re Application of
Sataro Shimazaki
Application No. 10/589,126
Filed: May 29, 2007
Attorney Docket No. 294697USOPCT

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: Sataro Shimazaki
2-11 803, Uchiawajimachi 2-chome, Chuo-ku,
Osaka-shi, Osaka 540-0038
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

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/589,126	05/29/2007	Sataro Shimazaki	294697US0PCT

CONFIRMATION NO. 8393

OC000000025850012

22850
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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

28 MAR 2007

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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

In re Application of KEMP et al. Application No.: 10/589,150 PCT No.: PCT/GB05/00511 Int. Filing Date: 14 February 2005 Priority Date: 13 February 2004 Attorney's Docket No.: 50393/007001 For: WOUND HEALING PROFILE	:	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed 12 FEBRUARY 2007, to permit the applicant to file the above-captioned application on behalf of the non-signing inventor, Dr. Margaret Batten. The petition under 37 CFR 1.47(a) is DISMISSED.

BACKGROUND

On 14 February 2005, applicant filed international application PCT/GB05/00511, which claimed priority to numerous earlier US and GB patent applications, the earliest being GB 0403226.4 and GB 0403220.7 and, having a common filing date of 13 February 2004.

On 11 August 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, as required under 35 U.S.C. 371(c), the requisite basic national fee, search fee and examination fee, a copy of the international application, the requisite priority documents and an unexecuted oath or declaration with a surcharge of $130.00, required under 37 C.F.R. 1.17(m), for filing the oath and declaration later than 30 months from the priority date.

On 09 February 2007 applicant filed the present petition, accompanied by a petition fee, a declaration executed by inventors, Paul Kemp, Gyorgyi Talas, Jennifer Sutherland, Penelope Ann Johnson, Andrew Shering and Michael McWhan and, a statement by Ms. Teresa Shering.

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 applicant on his or her own behalf and on behalf of the non-signing joint inventor. A review of the papers reveals that applicant has satisfied items (1), (3) and (4).

As to item (3), the evidence to show that Dr. Margaret Batten has refused to sign is insufficient. Although the statement of Ms. Shering indicates that numerous attempts were made to contact Dr. Margaret Batten, including postal mail, telephone, personal e-mail, Internet searching, contacting her former employer and her boyfriend, the statement does not indicate that a complete copy of the application was sent to Dr. Margaret Batten. The statement of Ms. Shering does not set forth any facts that a complete set of application papers were presented to Dr. Margaret Batten and that she refused to sign the papers. Furthermore, the statement does not identify the international application for which Ms. Shering is requesting Dr. Batten's signature on the 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, including claims, drawings, and oath or declaration) to the non-signing inventor for signature. 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.

Furthermore, it is not clear from Ms. Shering's statement whether she actually tried to contact Dr. Margaret Batten employing the listed methods, *e.g.*, postal mail, telephone, personal e-mail, Internet searching, contacting her former employer and her boyfriend. Ms. Shering has not clearly indicated in her statement that she has firsthand knowledge of the facts. Therefore, in the instant case, Ms. Shering's statement should be clear as to whether she actually tried to contact Dr. Margaret Batten.

CONCLUSION

Applicant's petition under 37 CFR 1.47(a) to permit the applicant to file the above-captioned application on behalf of the non-signing inventor, Dr. Margaret Batten, 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.

Leonard Smith
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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0 4 OCT 2007

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of:	:	
KEMP, et al.	:	DECISION ON RENEWED
U.S. Application No.: 10/589,150	:	PETITION
PCT No.: PCT/GB2005/000511	:	(37 CFR 1.47(a))
Int'l Filing Date: 14 February 2005	:	
Priority Date: 13 February 2004	:	
Atty Docket No.: 50393/007001	:	
For: WOUND HEALING PROFILE	:	

In a decision mailed by this Office on 28 March 2007, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-applicant Margaret BATTEN was dismissed without prejudice for failure to satisfy the requirements of a grantable petition.

On 02 July 2007, applicants filed a response to the 28 March 2007 decision, with required two-month extension fee; the response is treated herein as a renewed petition.

Applicants' 02 July 2007 submission includes an acceptable declaration executed by all the inventors herein, including the previously non-signing inventor Margaret BATTEN. Applicants have therefore now submitted a fully executed declaration in compliance with 37 CFR 1.497. Accordingly, the petition under 37 CFR 1.47(a) is **MOOT**.

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 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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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton, NJ 08543-5312

Mail Date: 04/21/2010

Applicant	: Philippe Gilberton	: DECISION ON REQUEST FOR
Patent Number	: 7580722	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/589,167	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **72** 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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Robert D. Shedd, Vice President
Thomson Licensing LLC
P.O.Box 5312
Two Independence Way
PRINCETON, NJ 08543-5312

Mail Date: 04/21/2010

Applicant	: Julien Thollot	: DECISION ON REQUEST FOR
Patent Number	: 7586703	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/589,175	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **161** 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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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

Mail Date: 07/15/2010

Applicant	: Achim Hansen	: DECISION ON REQUEST FOR
Patent Number	: 7654579	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/589,178	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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24 OCT 2007

IP GROUP OF DLA PIPER US LLP
One Liberty Place
1650 Market St, Suite 4900
Philadelphia, PA 19103

In re Application of :
BOURLION et al. :
Application No.: 10/589,182 :
PCT No.: PCT/FR05/00338 :
Int. Filing: 11 February 2005 : DECISION ON PETITION
Priority Date: 11 February 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No.: BDM-06-1208 :
For: EXPLORATION DEVICE TO MONITOR THE PENETRATION OF AN INSTRUMENT IN AN ANATOMIC STRUCTURE :

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 11 October 2007 to accept the application without the signature of joint inventor, Gerard Vanacker. The $200 petition fee has been submitted.

BACKGROUND

On 11 February 2005, applicants filed international application PCT/FR05/00338 which claimed a priority date 11 February 2004. 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, 11 August 2006.

On 11 August 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 26 April 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 11 October 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(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 behalf of the nonsigning 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 Gerard Vanacker's 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. 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 declarations executed by two of the three inventors and including an unsigned signature box identifying the nonsigning inventor (Gerard Vanacker). 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 Gerard Vanacker under 37 CFR 1.47(a) at this time.

CONCLUSION

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

The application will be given an international filing date of 11 February 2005 under 35 U.S.C. 363, and a date of **11 October 2007** under 35 U.S.C. 371(c).

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 PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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26 APR 2007

David Silverstein
Andover-IP-Law
Suite 300
44 Park Street
Andover MA 01810

In re Application of	:	
POOPATHY KATHIRGAMANATHAN et al.	:	
Serial No.: 10/589,183	:	DECISION ON
PCT No.: PCT/GB05/00446	:	
Int. Filing Date: 10 February 2005	:	SUBMISSION
Priority Date: 14 February 2004	:	
Attorney's Docket No.: LUC-018	:	
For: ELECTROLUMINESCENT MATERIALS AND DEVICES	:	

This is a decision on applicants' submission under 35 U.S.C. 371, filed on 23 March 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 12 August 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 23 March 2007, applicant filed a declaration, executed by the inventors.

DISCUSSION

The declaration submitted on 23 March 2007 is a four page declaration, comprised of six pages. The declaration contains Page 1, Page 2, and Page 3 and three duplicate Page 4 signature pages. Each Page 4 is 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. The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met.

CONCLUSION

For the reasons set forth above, the declaration submitted on 23 March 2007 is unacceptable as filed. What is required is one declaration where all inventors have signed or

separate complete declarations in compliance with 37 CFR 1.497(a) and (b) .

Applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 1.497(a) and (b) within TWO (2) MONTHS from the mail date of this Decision. Extensions of this time limit may be granted 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

24 JUN 2008

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

David Silverstein
Andover-IP-Law
Suite 300
44 Park Street
Andover MA 01810

In re Application of	:	
KATHIRGAMANATHAN et al.	:	
Application No.: 10/589,183	:	DECISION ON
PCT No.: PCT/GB05/00446	:	
Int. Filing Date: 10 February 2005	:	DECLARATION
Priority Date: 14 February 2004	:	
Attorney Docket No.: LUC-018	:	
For: ELECTROLUMINESCENT	:	
MATERIALS AND DEVICES	:	

This decision is on the submission of a declaration, filed in the United States Patent and Trademark Office on 08 August 2007 in the above referenced application. Applicant requests a two month extension of time, which is granted.

BACKGROUND

On 23 March 2007, applicant submitted a declaration, executed by the inventors.

On 26 April 2007, a decision was mailed, indicating that the declaration was comprised of duplicate pages and was unacceptable as it did not comply with 37 CFR 1.497(a) and (b).

On 08 August 2007, applicant responded with the submission of a newly executed declaration.

DISCUSSION

Applicant submitted nine separately executed declarations on 08 August 2007. The declarations are acceptable as filed and are in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

The declarations filed on 08 August 2007 are in compliance with 37 CFR 1.497(a) and (b) and are acceptable. The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date is **08 August 2007.**

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: 571-272-3292
Facsimile: 571-273-0459

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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31 MAR 2008

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of	:	
Gegout	:	
Application No.: 10/589,196	:	
PCT No.: PCT/FR04/00340	:	
Int. Filing Date: 13 February 2004	:	DECISION
Priority Date: N/A	:	
Attorney Docket No.: 13798.004.00	:	
For: Method For Editing Multimedia Pages On A Terminal Using Pre-Stored Parameters Of Objects Appearing In Scenes	:	

The petition to revive under 37 CFR 1.137(b) filed on 21 May 2007 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 required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition 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.

Inspection of the declaration filed on 21 May 2007 reveals that shows an un-initialed alteration (the hand-written international application number).

This application is being forwarded to the Office of Patent Application Processing 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) and the surcharge under 37 CFR 1.492(h).

/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

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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05 JUN 2007

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

In re Application of GEGOUT	:	
U.S. Application No.: 10/589,198	:	
PCT Application No.: PCT/FR2004/000337	:	
Int. Filing Date: 13 February 2004	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: 13798.005.00	:	
For: METHOD FOR EDITING A MULTIMEDIA PAGE USING PRE-STORED DATA	:	

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 21 May 2007.

BACKGROUND

On 13 February 2004, applicant filed international application PCT/FR2004/000337. A copy of the international application was communicated to the USPTO from the International Bureau on 22 September 2005. The thirty-month period for paying the basic national fee in the United States expired on 13 August 2006.

On 11 August 2006, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

International application PCT/FR2004/000337 became abandoned as to the United States for failure to timely pay the basic national fee.

On 21 May 2007, 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 13 February 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 May 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

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

11 APR 2007

COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re Application of	:	
WALTHER et al.	:	
Serial No.: 10/589,213	:	DECISION ON
PCT No.: PCT/EP05/01051	:	
Int. Filing Date: 03 February 2005	:	SUBMISSION
Priority Date: 13 February 2004	:	
Attorney's Docket No.: 4100-410PUS	:	UNDER 37 CFR 1.497
For: APPLICATION OF RFID LABELS	:	

This is a decision on applicants' submission under 35 U.S.C. 371 and 37 CFR 1.497, filed on 05 December 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 14 August 2006, within the thirty month period, applicant filed a Transmittal Letter requesting U.S. national stage entry for PCT/EP05/01051.

On 05 December 2006, applicant, *sua sponte*, filed one four page declaration, naming four inventors. The declaration was executed by the sole inventor Thomas Walther and also signed by REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING, who were not named as inventors in the published international application.

DISCUSSION

A review of the published international application PCT/EP05/01051 reveals that Thomas Walther is the sole named inventor. Applicant did not provide an Notification of the Recording of A Change (Form PCT/IB/306) issued by the International Bureau adding REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING as co-inventors under PCT Rule 92*bis*.

The declaration submitted on 05 December 2006 erroneously identifies REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING as co-inventors with the named inventor and thus is not in compliance with 37 CFR 1.497(a) and (b). Since there is no indication that REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING were 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 REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING as joint inventors 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 sole inventor 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 inventors REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING 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." 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) 273-0459

16 JUL 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re Application of	:	
WALTHER et al.	:	
Serial No.: 10/589,213	:	DECISION ON
PCT No.: PCT/EP05/01051	:	
Int. Filing Date: 03 February 2005	:	PETITION
Priority Date: 13 February 2004	:	
Attorney's Docket No.: 4100-410PUS	:	UNDER 37 CFR 1.497(d)
For: APPLICATION OF RFID LABELS	:	

This is a decision on applicant's "Request to Correct Inventorship under 37 CFR 1.497(d)", filed on 05 July 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 14 August 2006, within the thirty month period, applicant filed a Transmittal Letter requesting U.S. national stage entry for PCT/EP05/01051.

On 05 December 2006, applicant, *sua sponte*, filed one four page declaration, naming four inventors. The declaration was executed by the sole inventor Thomas Walther and also signed by REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING, who were not named as inventors in the published international application.

On 11 April 2007, a decision was mailed advising applicant that either an acceptable declaration, in compliance with 37 CFR 1.497(a) and (b), and executed by sole inventor named in the published international application was required or in the alternative, applicant should produce a Form PCT/IB/306 indicating the recording of a change in inventorship issued by the International Bureau or file a petition under 37 CFR 1.497(d).

DISCUSSION

As previously stated, a review of the published international application PCT/EP05/01051 reveals that Thomas Walther is the sole named inventor. Applicant did not provide an Notification of the Recording of A Change (Form PCT/IB/306) issued by the International Bureau adding REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING as co-inventors under PCT Rule 92*bis*.

Applicant requests a change in inventorship pursuant to 37 CFR 1.497(d). Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) 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 that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee

set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

With the submission of the petition under 37 CFR 1.497(d), applicant has satisfied Items (1) - (3) above. Accordingly, applicant has now met all of the requirements of 37 CFR 1.497(d) to add REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING as inventors in the above-identified international application.

The declaration filed on 05 December 2006 meets the requirements of 37 CFR 1.497(a) and (b) as it identifies the application, all the inventors and provides their respective citizenship, residency and mailing address.

CONCLUSION

Applicant's petition under 37 CFR 1.497(d) to add inventors REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **05 December 2006.**

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

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

23 MAY 2007

COHEN, PONTANI, LIEBERMAN & PAVANE, LLP
551 FIFTH AVENUE
NEW YORK, NY 10176

In re Application of	:	
WALTHER Thomas et al.	:	
Application No.: 10/589,214	:	
PCT No.: PCT/EP05/00850	:	
Int. Filing Date: 28 January 2005	:	DECISION
Priority Date: 13 February 2004	:	
Attorney's Docket No.: 4100-411PUS	:	
For: Method for Producing RFID Labels	:	

This decision is in response to applicants' "Response to Notification of Missing Requirements" filed 28 November 2006.

BACKGROUND

On 28 January 2005, applicant filed international application PCT/EP05/00850 , claiming a priority date of 13 February 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 August 2006.

On 14 August 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the requisite basic national fee, search fee and examination fee and an unexecuted declaration.

On 28 November 2006, applicant submitted the instant "Response to Notification of Missing Requirements," a declaration executed by co-inventors Thomas WALTHER, Reinhard BAUMANN, Robert WEISS and Peer DILLING and, the surcharge for late filing of the declaration.

DISCUSSION

The declaration filed on 28 November 2006 does not comply with 37 CFR 1.497 (a)-(b) because the inventive entity set forth in international application PCT/EP05/00850 is different than the inventive entity in the instant application. Specifically, the inventive entity set forth in international application PCT/EP05/00850 is Thomas WALTHER. However, the inventive entity set forth in the instant application includes Thomas WALTHER, Reinhard BAUMANN, Robert WEISS and Peer DILLING.

In order for the declaration filed 28 November 2006 to comply with 37 CFR 1.497 (a)-(b), applicants are required to file a request under 37 CFR 1.497(d) to correct inventorship by adding Reinhard BAUMANN, Robert WEISS and Peer DILLING as co-inventors.

CONCLUSION

Applicants' declaration filed 28 November 2006 is **REJECTED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing. A Notice of Missing Parts (PCT/DO/EO/905) will be mailed indicating that a proper oath or declaration must be filed.

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
Telephone: (571) 272-3297
Facsimile: (571) 273-0459

Stefan Staicovici
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-1208

2 1 NOV 2007

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United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re Application of:	:	
WALTHER, Thomas, et al	:	DECISION ON REQUEST TO
U.S. Application No.: 10/589,214	:	CORRECT INVENTORSHIP
PCT No.: PCT/EP2005/000850	:	(37 CFR 1.497(d))
International Filing Date: 28 January 2005	:	
Priority Date: 13 February 2004	:	
Attorney's Docket No.: 4100-411PUS	:	
For: METHOD FOR PRODUCING RFID LABELS	:	

This decision is issued in response to the "Request To Correct Inventorship Under 37 CFR 1.497(d)" filed 30 July 2007. Applicants have paid the required $130 processing fee.

BACKGROUND

The procedural background for the present application was set forth in the Decision mailed by this Office on 23 May 2007. That decision stated that the declaration filed by applicants on 28 November 2006 was not acceptable because it named a different inventive entity than that set forth in the international application. Specifically, the declaration included three additional inventors who were not of record: Reinhard BAUMANN, Robert WEISS, and Peer DILLING. The decision noted that a grantable request to add these three additional inventors under 37 CFR 1.497(d) was required before the declaration could be accepted.

On 30 July 2007, applicants filed the "Request To Correct Inventorship Under 37 CFR 1.497(d)" considered herein. The request seeks to add to the present national stage application the three additional inventors named in the previously filed declaration.

DISCUSSION

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

> 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 in the previous decision, applicants here have filed a declaration that includes three inventors who were not identified as inventors in the international application. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

With respect to item (A) above, applicants have submitted statements from the three inventors being added, Reinhard BAUMANN, Robert WEISS, and Peer DILLING, in which these inventors state that the error in inventorship in the international application occurred without any deceptive intent on their part. With respect to item (B), applicants have paid the required processing fee. With respect to item (C), applicants have submitted a statement of consent to the change of inventorship executed on behalf of the assignee, MAN Roland Druckmaschinen AG. The statement of consent is accompanied by a "Certificate Under 3.73(b)" that includes a reference to the Reel/Frame at which the relevant assignment is recorded, as required.

Based on the above, applicants have satisfied all the requirements for a grantable request to correct inventorship under 37 CFR 1.497(d).

CONCLUSION

Applicants' request for correction of inventorship under 37 CFR 1.497(d) is **GRANTED**.

Reinhard BAUMANN, Robert WEISS, and Peer DILLING are hereby added as inventors of record herein.

Taking into consideration the above correction of inventorship, the declaration submitted by applicants on 28 November 2006 is in compliance with 37 CFR 1.497.

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 28 November 2006.

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

30 AUG 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

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

In re Application of	:	
Knaack et al.	:	
Application No.: 10/589,226	:	DECISION
PCT No.: PCT/US05/03092	:	
Int. Filing Date: 27 January 2005	:	ON
Earliest Priority Date: 28 January 2004	:	
Attorney Docket No.: 2004367-0111	:	PETITION
For: Stabilized Bone Graft	:	

The petition to revive under 37 CFR 1.137(b) filed 11 August 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant states that "the entire delay from the abandonment of the PCT application on July 28,2006 to the filing of this petition was unintentional." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement in the petition is not correct. Thus, the statement in the petition is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant 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
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

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APR 19 2007

OFFICE OF PETITIONS

In re Application of : DECISION REFUSING STATUS
Kemp, et al. : UNDER 37 CFR 1.47(a)
Application No. 10/589,227 :
Effective Date: August 11, 2006 :
Atty. Dkt. No.: 50393/006001 :
For: WOUND HEALING COMPOSITION :

This decision is in response to the petition under 37 CFR 1.47(a) filed February 12, 2007.

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

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed without an executed oath or declaration. A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition fails to satisfy requirements (1) and (2) set forth above.

At to item (1), petitioners have failed to establish that the non-signing inventor received a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

The statement of T. Shering details steps taken to locate the non-signing inventor. However, the petition is not accompanied by any supplemental documentation of the purported efforts.

Petitioners allege that the non-signing inventor(s) cannot be reached or located. Petitioners are required to establish that diligent effort was made to locate the non-signing inventor and provide the non-signing inventor with a complete copy of the patent application (specification, including claims, drawings, and oath or declaration). Petitioners have not established that diligent effort has been made to locate the non-signing inventor for presentation of the application papers.

Any renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, the non-signing inventor cannot be located. A statement of facts should be submitted that fully describes the exact facts that are relied on to establish that a *diligent effort* was made to locate the non-signing inventor. 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. At the very least, a search of the internet, human resource records, telephone directories, etc. should be undertaken in regions where it is suspected the non-signing inventor may reside. Petitioners should reference and supply evidence of any such searches in a renewed petition. *See*, MPEP 409.03(d).

As to item (2), an acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration presented is unacceptable as it fails to properly identify the application to which it relates, i.e., 10/589,227. See, 37 CFR 1.63(b)(1). Correction is required upon renewed petition.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand:	U.S. U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition

Randolph Building
401 Dulaney Street
Alexandria, VA 22314

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

24 JUL 2008

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
ITOH et al.	:	
Serial No.: 10/589,243	:	
PCT No.: PCT/JP04/11536	:	
Int. Filing Date: 11 August 2004	:	DECISION ON PETITION
Priority Date: 13 February 2004	:	
Attorney's Docket No.: 1035-648	:	UNDER 37 CFR 1.181
For: LASER DEVICE AND LASING METHOD	:	

This decision is in response to applicant's "Response to Notice of Abandonment" requesting withdrawal of the holding of abandonment filed 27 June 2008 in the United States Patent and Trademark Office (USPTO) in the above-captioned application and will be treated as a petition under 37 CFR 1.181.

On 14 August 2006, applicant filed the U.S. national stage application for international application PCT/JP04/11536, under 35 U.S.C. 371. These papers were assigned U.S. serial number 10/589,243.

On 24 April 2007, a Notification of Missing Requirements, was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 20 June 2008, a Notification of Abandonment was mailed to applicant indicating that applicant failed to respond to the Notification of Missing Requirements.

On 27 June 2008, applicant filed the instant petition, accompanied by a copy of the declaration and the itemized postcard receipt with USPTO date-stamp 03 May 2007, indicating receipt of, *inter alia*, a declaration executed by the inventors.

DISCUSSION

Applicant requests withdrawal of the holding of abandonment, indicating that a response to the Notification of Missing Requirements, was mailed on 03 May 2007.

As stated in section 503 of the Manual of Patent Examining Procedure (Rev. 6, September 2007)(MPEP):

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

Applicant states that the executed declaration was originally filed on 03 May 2007 and provided a copy of the USPTO date-stamped postcard receipt.

The postcard identifies the application number, applicant name and docket number. Among the items listed on the postcard receipt are "Declaration" and Assignment". The postcard is date-stamped by the USPTO "OIPE MAY 03 2007."

A review of the USPTO date-stamped, itemized postcard receipt indicates that the declaration was deposited with the USPTO on 03 May 2007. Applicant has now presented a copy of the papers originally filed on 03 May 2007 and provided a copy of the date-stamped postcard receipt. Thus, the evidence is sufficient to establish that the declaration was received in the USPTO on 03 May 2007 and that the postcard receipt indicating a date of 03 May 2007 was mailed by the USPTO. Accordingly, the Office accepts the copy of the papers as a replacement for the missing original documents with a deposit date of 03 May 2007.

A review of the declaration reveals that the declaration identifies and is executed by each inventor, and states the residency, citizenship and mailing address of each inventor. Thus, the declaration is acceptable and the requirements of 37 CFR 1.497(a) and (b).

CONCLUSION

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

The 20 June 2008 Notification of Abandonment is hereby **VACATED**.

The copy of the declaration, submitted on 03 May 2007 and resubmitted on 27 June 2008 is acceptable. The declaration meets the requirements of 37 CFR 1.497(a) and (b). The surcharge of $130 was paid on 14 August 2006.

The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 03 May 2007.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

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

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20 NOV 2006

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

In re Application of	:	
SCHERRER, Jean-Marc et al.	:	
Application No.: 10/589,250	:	DECISION
PCT No.: PCT/FR04/03363	:	
Int. Filing Date: 23 December 2004	:	ON PETITION UNDER
Priority Date: 24 December 2003	:	
Docket No.: 0502-1047	:	37 CFR 1.137(b)
For: FALSE WALLS CONSISTING OF STRETCHED FABRIC AND JOINED BY AN INCLINED SEPARATING RIBBAND	:	

Applicants' "Petition to Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b)," filed in the above-captioned application on 14 August 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.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

16 OCT 2009

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Alexandria, VA 22313-1450
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KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
Suite 400
WASHINGTON DC 20005

In re Application of:	:	
FUKUSHIMA, Yoshimitsu, et al.	:	DECISION ON PETITION
U.S. Application No.: 10/589,254	:	(37 CFR 1.181)
PCT No.: PCT/JP2005/002007	:	
International Filing Date: 10 February 2005	:	
Priority Date: 13 February 2004	:	
Atty Docket No.: 060595	:	
For: RECORDING MEDIUM DRIVER AND RECORDER/PRODUCER	:	

This decision is issued in response to the "Request For Corrected Filing Receipt" filed 21 March 2008, treated herein as a petition under 37 CFR 1.181 to correct the date under 35 U.S.C. 371(c). No petition fee is required.

BACKGROUND

On 10 February 2005, applicants filed international application PCT/JP2005/002007. The international application claimed a priority date of 13 January 2004, and it designated the United States. On 25 August 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., 14 August 2006.

In August 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, an English translation of the international application, and an executed declaration.

On 06 March 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Acceptance (Form PCT/DO/EO/903) identifying the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 14 August 2006. Also on 06 March 2008, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 14 August 2006.

On 21 March 2008, applicant filed the "Request For Corrected Filing Receipt" considered herein as a petition under 37 CFR 1.181. The petition asserts that the correct 35 U.S.C. 371(c) date for the present application is 11 August 2006, the date the national stage materials herein were filed. The petition is accompanied by a copy of a return postcard itemizing the materials filed to initiate the present national stage application and bearing a USPTO receipt stamp dated 11 August 2006.

DISCUSSION

The documents filed by applicants to initiate the present national stage application, including the Form PTO-1390 Transmittal Letter, the executed declaration, and the English translation of the international application, are all dated 14 August 2006 in the electronic application file. However, a review of the application file reveals that the first page of the Form PTO-1390 bears a USPTO receipt stamp dated 11 August 2006. Moreover, a review of USPTO records confirms that the fee payment included with applicants' original national stage materials was accorded a receipt date of 11 August 2006.

Based on the statements in the present petition, the accompanying itemized return postcard bearing a USPTO receipt stamp dated 11 August 2006, USPTO records confirming receipt of applicants' fee payment (including the basic national fee) on 11 August 2006, and the 11 August 2006 receipt date stamped on the first page of the Form PTO-1390 filed herein, it is concluded that the materials filed to initiate the present national stage application, including the basic national fee payment, English translation, and executed declaration required under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4), were originally filed herein on 11 August 2006 (see MPEP section 503). Accordingly, the correct date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for the present application is 11 August 2006, as asserted by applicants in the present petition.

CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date for the present application is **GRANTED**.

The materials filed to initiate the present national stage application, including the basic national fee payment, English translation, and executed declaration required under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4), are treated as having been filed herein on 11 August 2006.

The Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 06 march 2008, both of which incorrectly identified the 35 U.S.C. 371(c) date as 14 August 2006, are hereby **VACATED**.

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 issuing a corrected Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt which properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 11 August 2006.

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

16 OCT 2008

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00513
WENDEROTH, LIND & PONACK, L.L.P.
2033 K Street, N.W.
Suite 800
Washington, DC 20006-1021

In re Application of :
UMEZAWA *et al* :
Application No.: 10/589,255 :
PCT No.: PCT/JP2005/002660 :
Int. Filing Date: 14 February 2005 :
Priority Date: 12 February 2004 :
Attorney Docket No.: 2006_1324A : **DECISION**
For: PROBE FOR DETECTING NUCLEAR :
RECEPTOR AGONIST OR :
ANTAGONIST AND METHOD FOR :
SCREENING AGONIST OR :
ANTAGONIST TO NUCLEAR :
RECEPTOR WITH THE USE OF THE :
SAME :

This decision is in response to the "Petition to Withdraw Holding of Abandonment Under 37 CFR § 1.181(a)" filed on 16 July 2008. No fee is required.

BACKGROUND

On 10 September 2007, a Notification to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) was mailed. Applicants were given two months to respond with extensions of time available.

On 13 November 2007, applicant purportedly filed a response which was accompanied by, *inter alia*, a CRF sequence listing diskette.

On 07 July 2008, a Notice of Abandonment was mailed stating that the above-captioned application was abandoned because applicants failed to respond to the Form PCT/DO/EO/922 mailed 10 September 2007.

On 01 May 2008, applicant filed a petition to withdraw the holding of abandonment which was accompanied by, *inter alia*, a copy of the preliminary amendment filed 13 November 2007.

DISCUSSION

A review of the subject application shows that the 13 November 2007 response was located in the file. A Preliminary Amendment, an Amendment to the Specification, and a paper copy of the sequence listing are located in the file.

Moreover, a check with SCORE indicates that the 13 November 2007 response contained the CRF sequence listing diskette as required[1]. The sequence listing was accepted on 14 September 2008.

CONCLUSION

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

The Form PCT/DO/EO/909 mailed 07 July 2008 is hereby **VACATED**.

This application is being forwarded to the Office of Patent Application Processing for further processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] The date of receipt of the CRF sequence listing diskette was noted as 27 June 2008 in USPTO records. However, this date is erroneous as the CRF sequence listing diskette was date-stamped by the USPTO as received on 13 November 2007.

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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	: Shu Kobayashi	: DECISION ON REQUEST FOR
Patent Number	: 7667078	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/589,259	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **104** 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

1 0 DEC 2007

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PILLSBURY WINTHROP SHAW PITTMAN LLP
ATTENTION: DOCKETING DEPARTMENT
P.O BOX 10500
McLean VA 22102

In re Application of	:	
Wanker et al.	:	
Application No. 10/589,276	:	
PCT No.: PCT/EP05/01389	:	
Int. Filing Date: 11 February 2005	:	
Priority Date: 11 February 2004	:	DECISION
Atty. Docket No.: 009848-0356193	:	
For: Novel Pharmaceutical And Diagnostic Compositions For Use In The Treatment And Diagnosis Of Neurodegenerative Diseases Or Amyloid Diseases	:	

This is in response to the declaration filed on 04 September 2007.

BACKGROUND

This international application was filed on 11 February 2005, claimed an earliest priority date of 11 February 2004, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 11 August 2006. Applicants filed, *inter alia*, the basic national fee on 10 August 2006.

On 10 April 2007, 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), as well as $230.00 in claims fees.

DISCUSSION

Inspection of the declaration filed on 04 September 2007 reveals that the names of Phoebe Harjes and Dagmar Litscher have been altered. 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.*

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. *See also* MPEP MPEP § 201.03(b). In the absence of such a petition, it would not be appropriate to accept the declaration at this time. It is noted that the declaration is defective for the further reason that the alterations were not initialed.

CONCLUSION

The declaration is **NOT ACCEPTED**, 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). 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

12 MAY 2008

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PILLSBURY WINTHROP SHAW PITTMAN LLP
ATTENTION: DOCKETING DEPARTMENT
P.O BOX 10500
McLean VA 22102

In re Application of	
Wanker et al.	
Application No. 10/589,276	
PCT No.: PCT/EP05/01389	
Int. Filing Date: 11 February 2005	
Priority Date: 11 February 2004	DECISION
Atty. Docket No.: 009848-0356193	
For: Novel Pharmaceutical And Diagnostic Compositions For Use In The Treatment And Diagnosis Of Neurodegenerative Diseases Or Amyloid Diseases	

This is in response to the response filed on 10 March 2008.

DISCUSSION

In a Decision mailed on 10 December 2007, the declaration filed on 04 September 2007 was not accepted, without prejudice, because

> Inspection of the declaration filed on 04 September 2007 reveals that the names of Phoebe Harjes and Dagmar Litscher have been altered. 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.*
>
> 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. *See also* MPEP § 201.03(b). In the absence of such a petition, it would not be appropriate to accept the declaration at this time. It is noted that the declaration is defective for the further reason that the alterations were not initialed.

In response, counsel has submitted "a newly executed Declaration for inventors Phoebe Markovic (formerly Harjes) and Dagmar Ehrnhöfer (formerly Litscher)." Counsel also states that "since a newly executed Declaration for inventors Markovic and Ehrnhöfer has been submitted by applicants to satisfy the missing requirements, that no petition fee is required." Counsel's attention is respectfully directed to MPEP 605.04(b), which 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.

In the instant case, the changes to the inventors' names appearing on the declaration as compared to the published international application constitute a correction requiring a formal petition under 37 CFR 1.182. Though the instant response includes a general fee authorization, it does not include the required formal petition under 37 CFR 1.182. It would be appropriate for such a petition to be accompanied by a statement from each inventor whose name is being changed attesting to the fact that she is the same inventor as named in the published international application, and attesting to the fact of the name change. In the absence of the required (grantable) petition, it would not be appropriate to grant the requested relief at this time.

CONCLUSION

The declaration is **NOT ACCEPTED**, 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). 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

2 6 AUG 2008

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ATTENTION: DOCKETING DEPARTMENT
P.O BOX 10500
McLean VA 22102

In re Application of	:	
Wanker et al.	:	
Application No. 10/589,276	:	
PCT No.: PCT/EP05/01389	:	
Int. Filing Date: 11 February 2005	:	
Priority Date: 11 February 2004	:	DECISION
Atty. Docket No.: 009848-0356193	:	
For: Novel Pharmaceutical And Diagnostic Compositions For Use In The Treatment And Diagnosis Of Neurodegenerative Diseases Or Amyloid Diseases	:	

This is in response to the petition under 37 CFR 1.182 filed on 12 August 2008.

DISCUSSION

In a Decision mailed on 12 May 2008, the declaration filed on 10 March 2008 was not accepted, without prejudice, because

> In response, counsel has submitted "a newly executed Declaration for inventors Phoebe Markovic (formerly Harjes) and Dagmar Ehrnhöfer (formerly Litscher)." Counsel also states that "since a newly executed Declaration for inventors Markovic and Ehrnhöfer has been submitted by applicants to satisfy the missing requirements, that no petition fee is required."

Counsel's attention was respectfully directed to MPEP 605.04(b), and petitioner was advised to file the instant petition. The petition is accompanied by "Statements of Phoebe Markovic And Dagmar Ehrnhofer To Accompany Petition Under 37 C.F.R. §1.182" which attest to the inventors' respective name changes. In view of the totality of the evidence now of record, it would be appropriate to accept the inventors' names as they appear on the declaration filed on 10 March 2008.

It is noted that petitioner has paid $130.00 toward the required $400.00 petition fee. The $270.00 balance is being charged to Deposit Account No. 03-3975, as authorized in the petition.

Upon further review of the application, it is noted that the decision mailed on 10 December 2007 referred to the alteration of the inventors' names in the declaration filed on 04 September 2007. Though petitioner has presented a later executed declaration by inventors Markovic and Ehrnhofer, the declaration of record signed by the remaining inventors continues to contain said un-initialed alterations. While the change in the inventors' names is being accepted, applicants are still required to provide an acceptable declaration (without un-initialed alterations) signed by the remaining inventors. In the absence of an acceptable declaration, it would not be appropriate to grant the petition at this time.

DECISION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

The declaration is **NOT ACCEPTED**, 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). 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

2 6 JAN 2009

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ATTENTION: DOCKETING DEPARTMENT
P.O BOX 10500
McLean VA 22102

In re Application of	:	
Wanker et al.	:	
Application No. 10/589,276	:	
PCT No.: PCT/EP05/01389	:	
Int. Filing Date: 11 February 2005	:	
Priority Date: 11 February 2004	:	DECISION
Atty. Docket No.: 009848-0356193	:	
For: Novel Pharmaceutical And Diagnostic Compositions For Use In The Treatment And Diagnosis Of Neurodegenerative Diseases Or Amyloid Diseases	:	

This is in response to the renewed petition under 37 CFR 1.182 filed on 22 January 2009.

DISCUSSION

In a Decision mailed on 26 August 2008, the petition under 37 CFR 1.182 filed on 12 August 2008 was dismissed, without prejudice, and the declaration filed on 10 March 2008 was not accepted, without prejudice.

Said decision stated in part that

> In view of the totality of the evidence now of record, it would be appropriate to accept the inventors' names as they appear on the declaration filed on 10 March 2008

but also indicated that

> Upon further review of the application, it is noted that the decision mailed on 10 December 2007 referred to the alteration of the inventors' names in the declaration filed on 04 September 2007. Though petitioner has presented a later executed declaration by inventors Markovic and Ehrnhofer, the declaration of record signed by the remaining inventors continues to contain said un-initialed alterations. While the change in the inventors' names is being accepted, applicants are still required to provide an acceptable declaration (without un-initialed alterations) signed by the remaining inventors. In the absence of an acceptable declaration, it would not be appropriate to grant the petition at this time.

Petitioner argues that the declaration should be accepted because the substantive changes appearing therein have already been accepted, and in effect that the objection to the un-initialed alterations represents a mere matter of form. Based on reconsideration of the totality of the

record, it would be appropriate to grant the requested relief in view of the particular circumstances present in this application.

DECISION

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

This application is being forwarded to the Office of Patent Application Processing. The date of filing of a declaration compliant with 37 CFR 1.497(a) and (b) is **10 March 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

2 2 SEP 2008

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SOFER & HAROUN LLP.
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

In re Application of	:	
MOLITON et al.	:	
Application No.: 10/589,313	:	DECISION on
PCT No.: PCT/FR05/50100	:	
Int. Filing Date: 17 February 2005	:	PETITION UNDER 37 CFR 1.181
Priority Date: 18 February 2004	:	
Attorney Docket No.: 979-243	:	
For: AN OPTHALMIC LENS AND A DISPLAY INCLUDING SUCH A LENS AND AN OPTICAL IMAGER	:	

This is a decision on applicant's Petition to Withdraw Holding of Abandonment in the above-identified application, filed in the United States Patent and Trademark Office on 16 July 2008.

On 10 August 2006, within the thirty month period, applicant filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) concerning a filing Under 35 U.S.C. 371. On page 3 of the transmittal letter, applicant provided authorization to charge all fees to his deposit account.

Thereafter on 09 July 2008, a Notification of Abandonment was mailed to applicant indicating that the basic national fee was not paid by the expiration of the thirty month period or by 18 August 2006. In accord with 35 U.S.C. 371(c) and 37 CFR 1.495, the international application PCT/FR05/50100 was considered abandoned as to the U.S. national stage.

In the instant petition, Applicant requests a review of the application file and provides a copy of the USPTO itemized postcard receipt. A review of the application file reveals that the transmittal letter authorized the charging of applicant's deposit account to cover the basic national fee and any additional fees which may be required. Applicant provided his deposit account number and his signature. There is no indication in the application file that any attempts to charge the basic national fees were tried or failed for any reason. The basic national fee has been paid and thus, the Notification of Abandonment is hereby vacated.

The Notification of Abandonment (FORM/PCT/DO/EO/909) mailed on 09 July 2008 is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) 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
Office of PCT Legal Administration
Telephone: (571)272 -3286
Facsimile: (571)273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

18 DEC 2007

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IP GROUP OF DLA PIPER US LLP
ONE LIBERTY PLACE
1650 MARKET ST., SUITE 4900
PHILADELPHIA, PA 19103

In re Application of:
BOURLION, Maurice, et al.
U.S. Application No.: 10/589,314
PCT No.: PCT/FR2005/000340
International Filing Date: 11 February 2005
Priority Date: 11 February 2004
Atty's Docket No.: BDM-06-1214
For: DEVICE FOR MONITORING THE PENETRATION OF AN INSTRUMENT INTO AN ANATOMICAL STRUCTURE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 11 October 2007. Applicants have paid the required petition fee.

BACKGROUND

On 11 February 2005, applicants filed international application PCT/FR2005/000340. The international application claimed a priority date of 11 February 2004, and it designated the United States. On 25 August 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 August 2006.

On 11 August 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 22 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 11 October 2007, applicants filed a response to the Notification Of Missing Requirements (with required five-month extension fee). The response included a partially executed declaration and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of co-inventor Gerard VANACKER, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by the inventors of record in the international application and including an unsigned signature block for the non-signing inventor, Gerard VANACKER. This declaration can be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute 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 MPEP also states the following:

> 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.

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided copies of letters sent to a person identified herein as the non-signing inventor's "representative" and/or "consultant;" these letters request the inventor's signature for the present application, and they were purportedly accompanied by a copy of the complete application, as required. However, applicants have not provided a firsthand statement from the person(s) who sent the relevant correspondence to the non-signing inventor, as required by the MPEP to confirm the correspondence and the enclosures included therein. In addition, while the MPEP states that it is appropriate to send the request for signature to the non-signing inventor's attorney if the inventor is represented by counsel, the record here does not include a statement from a

person with firsthand knowledge confirming that the person to whom the correspondence was directed is currently the attorney for the non-signing inventor. Accordingly, it can not be determined from the present record if the requests for signature herein were directed to the proper party.

Applicant must provide a statement from the person who forwarded the provided correspondence to the inventor's representative confirming the contents of such correspondence and confirming that the person to whom such correspondence was directed is the attorney for the non-signing inventor. Until such supplemental materials are provided, item (4) is not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

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.

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

0 1 MAY 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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IP GROUP OF DLA PIPER US LLP
ONE LIBERTY PLACE
1650 MARKET ST., SUITE 4900
PHILADELPHIA, PA 19103

In re Application of:	
BOURLION, Maurice, et al.	
U.S. Application No.: 10/589,314	DECISION ON RENEWED
PCT No.: PCT/FR2005/000340	PETITION UNDER
International Filing Date: 11 February 2005	37 CFR 1.47(a)
Priority Date: 11 February 2004	
Atty's Docket No.: BDM-06-1214	
For: DEVICE FOR MONITORING THE PENETRATION OF AN INSTRUMENT INTO AN ANATOMICAL STRUCTURE	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 12 March 2008. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed herein on 18 December 2007. The decision dismissed applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide an adequate showing that the non-signing inventor refuses to execute the application or cannot be reached after diligent effort.

On 12 March 2008, applicants filed the renewed petition considered herein (with required extension fee).

DISCUSSION

The renewed petition includes a firsthand statement confirming that a request for signature, accompanied by a copy of the complete application, has been forwarded to the non-signing inventor, and that the non-signing inventor did not provide the signed documents in response to such request. The renewed petition also includes a copy of a letter from a representative of the non-signing inventor indicating that the inventor will not be providing the requested signature. These materials provide an adequate showing that the non-signing inventor has refused to execute the application. The final requirement of a grantable petition under 37 CFR 1.47(a) is therefore now satisfied.

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of non-signing inventor Gerard VANACKER.

A notice of the acceptance of the application 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 referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 11 October 2007.

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

01 MAY 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. Gerard VANACKER
Villa Saint Antoine
2 rue du Sautiquet
83380 Les Issambres
FRANCE

In re Application of: BOURLION, Maurice, et al.
U.S. Application No.: 10/589,314
PCT No.: PCT/FR2005/000340
International Filing Date: 11 February 2005
Priority Date: 11 February 2004
Atty's Docket No.: BDM-06-1214
For: DEVICE FOR MONITORING THE PENETRATION OF AN INSTRUMENT INTO AN ANATOMICAL STRUCTURE

Dear Mr. VANACKER:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

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

Counsel Of Record:
T. DANIEL CHRISTENBURY
IP GROUP OF DLA PIPER US LLP
ONE LIBERTY PLACE
1650 MARKET ST., SUITE 4900
PHILADELPHIA, PA 19103

06 SEP 2006

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BAE Systems Information and
Electronic Systems Integration Inc.
65 Spit Brook Road
P.O. Box 868 NHQ1-719
Nashua, NH 03061-0868

In re Application of
ZEMANY et al.
Application No.: 10/589,322
PCT No.: PCT/US04/36446
Int. Filing Date: 02 November 2004
Priority Date: 20 January 2004
Attorney Docket No.: 20040114
For: MULTIPLE FREQUENCY THROUGH-THE-WALL MOTION DETECTION AND RANGING USING A DIFFERENCE-BASED ESTIMATION TECHNIQUE

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 14 August 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 PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Byung Ok Choi	: DECISION ON REQUEST FOR
Patent Number	: 7638308	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/589,328	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **469** 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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1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

MAILED

JUN 04 2010

OFFICE OF PETITIONS

In re Patent of Choi et al. :
Patent No. 7,638,308 :
Issue Date: December 29, 2009 : Decision on Petition
Application No. 10/589,328 :
Filing Date: August 14, 2006 :
Attorney Docket No. CHOI ET AL-1 PCT :

This is a decision on the petition under 37 CFR 1.182 filed February 1, 2010, requesting issuance of duplicate Letters Patent for the above-identified patent.

The petition is **granted**.

The Office of Data Management, Patent Publications Branch, will issue duplicate Letters Patent.

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

Telephone inquiries related to the petition should be directed to Petitions Attorney Steven Brantley at (571) 272-3203. Any questions concerning delays in the issuance of the duplicate Letters Patent should be directed to Niomi Farmer at (703) 308-9250 ext. 129.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

cc: Kimberly Terrell (FAX 571-273-9740)
Niomi Farmer, Office of Data Management, (FAX 571-270-9753)

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0 9 AUG 2007

FOLEY & LARDNER
3000 K STREET, N.W.
SUITE 500
WASHINGTON, DC 20007

In re Application of
MATSUMOTO et al.
Application No.: 10/589,346
PCT No.: PCT/JP05/00179
Int. Filing Date: 02 July 2005
Priority Date: 12 February 2004
Attorney Docket No.: 072982-0278
For: MOBILE COMMUNICATION SYSTEM AND WIRELESS APPARATUS TO BE USED FOR THE SAME:

DECISION on

MERGING APPLICATION FILES

The above-identified application is before the PCT Legal Office for matters arising under 35 U.S.C. 371.

BACKGROUND

On 11 January 2005, applicant filed international application No. PCT/JP05/00179, which claimed priority of an earlier international application filed 27 January 2004 and designating the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 04 August 2005. The deadline for entering the U.S. national stage to 30 months or as of midnight on 27 July 2006.

On 15 June 2006, applicant filed, through the law firm of Pearne & Gordon, a transmittal letter for entry into the national stage in the United States (Form PTO-1390) which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). The submission, identifying PCT/JP05/00179, was assigned U.S. application number: 10/597,153.

On 11 August 2006, applicant, through the law firm of Foley & Lardner, filed a Transmittal Letter referencing **PCT/JP05/00179** and requesting entry into the national stage in the United States. This communication was accompanied by, *inter alia*, a copy of the international application PCT/JP05/00179 and a declaration identifying PCT/JP05/00179. However, the declaration was executed by Mariko Matsumoto and Syousei Yoshida, who are not inventors listed in the published international application PCT/JP05/00179.

DISCUSSION

As is evident from the above recited facts, applicant submitted papers to enter the national stage for the same international application on 15 June 2006 and on 11 August 2006. The end result for an international application designating the United States of America is a

single U.S. national stage application[1]. Therefore, assigning a second U.S. application number arising from PCT/JP05/00179 is improper.

It is noted that in a review of international application PCT/JP05/00179, the title, inventors, international filing date and priority date are different than those listed on the transmittal letter submitted by applicant on 11 August 2006. It appears that the international application number may be in error. Applicant may wish to file 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.

CONCLUSION

The application will be held in the PCT Legal Office to await applicant's further reply.

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
Attorney/Advisor
PCT Legal Office

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

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[1] 35 U.S.C. 363 states:

An international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of **a** national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in 102(e) of this title. (emphasis added)

Further, 35 U.S.C. 371(b) states:

(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. (emphasis added)

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only, and thus only one (1) national stage application in the U.S. may develop from an international application.

UNITED STATES PATENT AND TRADEMARK OFFICE

26 JUN 2008

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FOLEY & LARDNER
3000 K STREET, N.W.
SUITE 500
WASHINGTON, DC 20007

In re Application of :
MATSUMOTO et al. :
Application No.: 10/589,346 :
PCT No.: PCT/JP05/00179 : DECISION on
Int. Filing Date: 02 July 2005 :
Priority Date: 12 February 2004 : PETITION UNDER 37 CFR 1.182
Attorney Docket No.: 072982-0278 :
For: MOBILE COMMUNICATION SYSTEM AND WIRELESS APPARATUS TO BE USED FOR THE SAME: :

This is a decision on applicant's "Petition Under 37 CFR 1.182 to Request Rectification of Incorrect International Application Number for U.S. National Stage Application" filed in the United States Patent and Trademark Office on 20 May 2008.

On 11 August 2006, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 10/589,346. However the international application PCT/JP05/**00179** as indicated on the transmittal letter differs from the PCT application number PCT/JP05/**01791** on the declaration.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to **PCT/JP05/01791** on the national stage papers filed on 20 May 2008 is **GRANTED**. The $400 petition fee will be charged to applicant's deposit account per his authorization.

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/JP05/01791.

Cynthia M. Kratz
Attorney/Advisor
PCT Legal Office

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

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01 NOV 2007

Timothy E. Nauman
Fay, Sharpe, Fagan, Minnich &
McKee, LLP
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2579

In re Application of	:	DECISION ON
Hing L. Chiu	:	
Application No. 10/589,361	:	
PCT No.: PCT/US2005/004412	:	
Int. Filing Date: 14 February 2005	:	PETITION UNDER
Priority Date: 13 February 2004	:	
Attorney's Docket No.: AGTZ 2 00072	:	
For: LOW COST GEAR FUEL PUMP	:	37 CFR 1.137 (b)

This decision is in response to applicant's' "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)," filed on 22 October 2007.

BACKGROUND

On 14 February 2005, this international application was filed, claiming an earliest priority date of 13 February 2004. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 13 August 2006.

On 14 August 2006 (the 13th fell on a Sunday), applicant 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 02 April 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 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 22 October 2007, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by an executed declaration.

DISCUSSION

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

Petitioner has provided: (1) the proper reply by submitting an executed declaration, (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) - (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 **22 October 2007.**

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

04 SEP 2006
UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20045-9998

In re Application of PITULIA
Application No.: 10/589,363
PCT No.: PCT/SE04/01481
Int. Filing: 15 October 2004
Priority Date: 22 October 2003
Attorney Docket No.:43318-232754
For: ANTI-STUTTERING DEVICE

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 14 August 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 $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. The $130 surcharge for filing the oath or declaration after the thirty month period will be charged to applicant's deposit account per his authorization. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **14 August 2006.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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

09/05/2006 SBASHEIR 00000002 220261 10589363
01 FC:1453 1500.00 DA
02 FC:1617 130.00 DA

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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	: Mark Alan Yoder	: DECISION ON REQUEST FOR
Patent Number	: 7605962	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/589,373	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **566** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

01 SEP 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Neil E. Hamilton
Johnson Diversey
8310 16th Street - M/S-509
Sturtevant WI 53177

In re Application of:
KANY, Harry, et al.
U.S. Application No.: 10/589,384
Int'l Application No: PCT/US2005/002424
Int'l Filing Date: 26 January 2005
Priority Date: 28 January 2004
Atty Docket No.: JD-333-US
For: SANITIZING AND CLEANING COMPOSITION AND ITS USE FOR SANITIZING AND/OR CLEANING HARD SURFACES

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 15 August 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" satisfies the requirement of 37 CFR 1.137(b)(3).

Applicant has now submitted the basic national fee, and the requirements of 37 CFR 1.137(b) have been satisfied. 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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

22 JUL 2008

Commissioner for Patents
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JohnsonDiversey, Inc.
8310 16TH STREET, M/S 509
PO BOX 902
STURTEVANT WI 53177-0902

In re Application of:
KANY, Harry, et al.
U.S. Application No.: 10/589,384
PCT No.: PCT/US2005/002424
International Filing Date: 26 January 2005
Priority Date: 28 January 2004
Atty Docket No.: JD-333-US
For: SANITIZING AND CLEANING COMPOSITION AND ITS USE FOR SANTIZING AND/OR CLEANING HARD SURFACES

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 16 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 19 May 2007 based on applicants' failure to file a proper response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 19 March 2007.

On 05 February 2008, the United States Designated/Elected office (DO/EO/US) mailed a Notification Of Abandonment (Form PCT/DO/EO/909) confirming the abandonment of the application.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a proper response to the Notification Of Missing Requirements mailed 19 March 2007, that is, an executed declaration in compliance with 37 CFR 1.497. 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.

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 16 July 2008.

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

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JAN 0 8 2009

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
Shigeki Imai et al	:	
Application No. 10/589,390	:	DECISION GRANTING PETITION
Filed: August 15, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1035-650	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 7, 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 17, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2892 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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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

Mail Date: 04/21/2010

Applicant	: Shigeki Imai	: DECISION ON REQUEST FOR
Patent Number	: 7595230	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/589,390	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **65** 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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29 AUG 2007

COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re Application of	:	
OSER et al.	:	
Application No.: 10/589,409	:	DECISION
PCT No.: PCT/EP2005/050595	:	
Int. Filing Date: 10 February 2005	:	
Priority Date: 12 February 2004	:	
Attorney Docket No.: 5151-20PUS	:	
For: METHOD AND INSTALLATION FOR CONVERTING THERMAL ENERGY FROM FLUIDS INTO MECHANICAL ENERGY	:	

This is a decision on applicants' "PETITION UNDER 37 CFR 1.47(a)" filed 11 July 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 February 2005, applicants filed international application PCT/EP2005/050595, which designated the United States and claimed a priority date of 12 February 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 25 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 August 2006 (12 August 2006 being a Saturday).

On 11 August 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 purported English translation of the international application into English, and an assertion of small entity status.

On 11 April 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 11 July 2007, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, the surcharge under 37 CFR 1.492(h), a petition/fee for a one-month extension of time, a declaration of facts by Erwin Oser, a copy of a

letter from Mr. Oser to non-signing joint inventor Michael Rannow dated 02 November 2006 and an English translation thereof, a copy of a letter from a Certified Mail service to Mr. Oser dated 15 November 2006 and an English translation thereof, a copy of a signed Certified Mail Receipt, and a copy of an e-mail from Mr. Rannow to Hubert Hamm with a CC to Mr. Oser dated 06 November 2006 and an English translation thereof.

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 fee has been paid.

As to item (2), it has been established that the non-signing inventor Michael Rannow refuses to execute the application.

As to item (3), a statement of the last known address of the non-signing inventor has been provided.

As to item (4), a 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.

Declaration of Inventors

The declaration of inventors filed 11 July 2007 is in compliance with 37 CFR 1.497(a)-(b).

Translation

Applicants have not yet submitted an accurate translation of the international application as filed. In the translation filed 11 August 2006, a translation of the Figure was not provided. Unless the expression "Fig." is used to identify the drawing(s) in the international application as filed, the expression used to identify the drawing(s) must be translated. See PCT Rule 49.5(f). In the submission filed 11 August 2006, no such translation was provided.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

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

Legal Administration.

Regarding the translation, applicants are required to file a proper translation of the drawings within **TWO (2) MONTHS** from the date of mailing of this supplemental 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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

28 JAN 2009

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30623
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111

In re Application of
RADCLIFFE, Suzy
U.S. Application No.: 10/589,425
PCT No.: PCT/IB2005/002379
Int. Filing Date: 11 February 2005
Priority Date: 12 February 2004
Attorney Docket No.: 25850-013-CIP NATL
For: GARMENT LENGTH ADJUSTMENT MECHANISM

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This decision is in response to the "Petition for Withdrawal of Holding of Abandonment Based On Failure to Respond to Notification of Missing Requirements Under 37 C.F.R. § 1.181(a) " filed on 10 July 2008. No fee is required.

BACKGROUND

On 20 April 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 or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. A two-month time limit in which to respond was set with extensions of time available.

On 15 November 2007, applicant purportedly filed an executed declaration in the above-captioned application along with the surcharge fee and extension fee.

On 20 June 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to respond to the Form PCT/DO/EO/905 mailed 20 April 2007 within the time period set.

On 10 July 2008, applicant filed a petition to withdraw the holding of abandonment which was accompanied by, *inter alia*, copies of the documents purportedly filed 15 November 2007 along with a date-stamped postcard receipt.

DISCUSSION

A review of the subject application shows that the 15 November 2007 declaration purportedly filed in the above-captioned application was not located in the file. USPTO

financial records do show that a surcharge fee and extension fee were paid in the subject application on 15 November 2007.

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In this case, applicant has provided a copy of the date-stamped postcard receipt for documents submitted 15 November 2007. The postcard receipt records that among the papers received in the USPTO included an "Declaration." The postcard receipt is stamped "PCT/PTO 15 NOV 2007" across its face. The U.S. application number and docket number are listed on the postcard receipt. Applicant also provided a copy of the declaration and response filed 15 November 2007.

Applicant has provided *prima facie* evidence that the declaration was originally received by the USPTO on 15 November 2007.

DECISION

For the reasons noted above, applicant's petition to withdraw the holding of abandonment is **GRANTED**.

The Form PCT/DO/EO/909 mailed 20 June 2008 is hereby **VACATED**.

The declaration originally filed 15 November 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 11 February 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 15 November 2007.

This application is being forwarded to the Office of Patent Application Processing for further processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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875 THIRD AVE
18TH FLOOR
NEW YORK NY 10022

MAILED

APR 23 2009

OFFICE OF PETITIONS

Applicant: Goletz, et al.
Appl. No.: 10/589,447
International Filing Date: February 14, 2005
Title: HIGHLY ACTIVE GLYCOPROTEINS-PROCESS CONDITIONS AND AN EFFICIENT METHOD FOR THEIR PRODUCTION
Attorney Docket No.: 101215-234
Pub. No.: US 2008/0226681 A1
Pub. Date: September 18, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 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 the inventor's name Hans Baumeister is misprinted as Hans Baurneister.

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 typographical error in the second inventor's name may be an Office error, but it is not a material Office error under 37 CFR 1.221. The error 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 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).

Applicant states that the name was properly spelled in the ADS submitted with the application. In accordance with 37 CFR 1.76(d)(1), the latest submitted information will govern, thus the spelling of the name contained in the Oath supersedes the spelling of the inventors name in the ADS. See MPEP 601.05. The quality of the text in the Declaration is not clear and it is not clear whether the name is Baumeister or Baurneister.

On May 28, 2008, a Filing Receipt was mailed by the Office, which improperly listed the inventor's name as Hans Baurneister. To avoid this type of problem in the future, applicant's representative should make request a corrected filing receipt prior to publication of the application.

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

22 DEC 2009

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Irving N Feit
Hoffmann & Baron
6900 Jericho Turnpike
Syosset NY 11791

In re Application of	:	
TUSHI et al.	:	
Application No.: 10/589,449	:	DECISION
PCT No.: PCT/US2005/004714	:	
Int. Filing Date: 11 February 2005	:	
Priority Date: 13 February 2004	:	
Attorney Docket No.: 1119-10 CON PCT US	:	
For: ANTI-MICRORNA OLIGONUCLEOTIDE MOLECULES	:	

This decision is in response to applicants' "REQUEST FOR CORRECTION OF ERRONEOUS PAYMENT OF SMALL ENTITY FEES UNDER 37 C.F.R. 1.28(c)" filed 23 June 2009.

Applicants' request complies with 37 CFR 1.28 (c)(1)-(c)(2). Thus, the error in small entity status is excused and applicants' request is **GRANTED**.

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.

/Daniel Stemmer/

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

04 SEP 2006

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BAE SYSTEMS INFORMATION AND
ELECTRONIC SYSTEMS INTEGRATION INC.
65 SPIT BROOK ROAD
P.O. BOX 868 NHQ1-719
NASHUA NH 03061-0868

In re Application of ZEHANY et al.
Application No.: 10/589,473
PCT No.: PCT/US04/30116
Int. Filing: 14 September 2004
Priority Date: 20 January 2004
Attorney Docket No.:20040005
For: METHOD AND APPARATUS FOR THROUGH-THE -WALL MOTION DETECTION UTILIZING CW RADAR

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 14 August 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 $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 $130 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

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02 APR 2007

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

In re Application of WYNICK
Application No.: 10/589,533
PCT No.: PCT/GB05/00188
Int. Filing: 18 January 2005
Priority Date: 17 February 2004
Attorney Docket No.: 68150.000003
For: GALANIN RECEPTORS AND BRAIN INJURY

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 04 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 this 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 now 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 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

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 06/21/2010

Applicant	: Hidetaka Hiyoshi	: DECISION ON REQUEST FOR
Patent Number	: 7632954	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/589,534	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **464** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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JJGJr : 12-07

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DEC 17 2007

OFFICE OF PETITIONS

WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402-3319

In re Application of :
Ibrahim, et al. :
Application No. 10/589,542 : DECISION
Filed: 16 August, 2006 :
Attorney Docket No. W51.12-0033 :

This is a decision on the petition filed on 21 September, 2007, under 37 C.F.R. §1.47(b).

For the reasons set forth below, the petition under 37 C.F.R. §1.47(b) is **DISMISSED**.

NOTES:

Any reply must include a renewed petition (and fee) must include a petition under 37 C.F.R. §1.47 and must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 C.F.R. §1.47";

Thereafter, there will be no further reconsideration of this matter.

BACKGROUND

The record indicates:

- the instant application was filed on 16 August, 2006, without, *inter alia*, a fully executed oath/declaration;

- on 23 April, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;

- on 21 September, 2007, Petitioner David D. Brush (Reg. No. 34,557) submitted, *inter alia*, an oath/declaration executed by the averred authorized official of assignee and his averment of interest in the application (but there does not appear to be a statement as to irreparable harm/danger), with the instant petition under 37 C.F.R. §1.47(b) , however, it appears from the documents thusfar submitted by Petitioner that only the oath/declaration and assignment and not the entire application (description, claims abstract and drawings), as required by law, were sent to the two non-siging inventors, Nicholas Ibrahim and Dragabn Vujcic (Messrs. Ibbrahim and Vujcic), in that is the statement contained in the transmittal documents.

In addition, because nearly a year elapsed between the time at which oath/declaration/assignment documents were sent by Petitioner to the inventors, Petitioner is respectfully requested to ensure that a diligent effort confirms the validity of the addresses provided to the Office.

ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

> **§ 1.47 Filing when an inventor refuses to sign or cannot be reached.**
>
> ***
>
> (b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in § 1.17(g), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with § 1.63.
>
> * * *

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

> **§1.63 Oath or declaration.**
> (b) In addition to meeting the requirements of paragraph (a)of this section, the oath or declaration must also:
>
> (1)Identify the application to which it is directed;

> (2) State that the person making the oath or declaration has reviewed and understands the contents of the application, Including the claims, as amended by any amendment specifically referred to in the oath or declaration; and
>
> (3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

When one alleges a refusal of the inventor to sign the application papers, 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, *inter alia*, presented the inventor with the application papers and/or to whom the refusal was made. Petitioner is directed to the commentary at MPEP §409.03(d), which provides in pertinent part:

> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.

Further, the guidance in the Commentary at MPEP §409.03(b)(A) and (B) provide in pertinent part:

> ***
>
> In addition to other requirements of law (35 U.S.C. §§111(a) and 115), an application deposited pursuant to 37 C.F.R. §1.47(b) must meet the following requirements:
>
> (A)The 37 C.F.R. §1.47(b) applicant must make the oath required by 37 C.F.R. §1.63 and §1.64 or §1.175. Where a corporation is the 37 C.F.R. §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. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the

> application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 C.F.R. §1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 C.F.R. §1.47(b).
>
> (B)The 37 C.F.R. §1.47(b) applicant must state his or her relationship to the inventor as required by 37 C.F.R. §1.64. (Emphasis supplied.)
>
> ***

Thus, Petitioner must submit an executed oath/declaration and support that document by a certificate under 37 C.F.R. §3.73(b).

Moreover, not only must a copy of the entire application must be sent to the last known address of the non-signing inventor (or the estate representative) with a request that he/she sign the declaration for the patent application–and evidence of that transmittal submitted–but also a reasonable effort must be made to ascertain a current or last known address, which information is to appear over the signature and registration number of the Petitioner along with evidence of the due diligence effort ascertaining same.

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented.

(The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.[3])

Petitioner's attention is directed to the discussion in the BACKGROUND and ANALYSIS, above, and should ensure that the deficiencies addressed there are corrected with any future petition herein, to include (but not necessarily be limited to) the requirements that a copy of the transmittal letter forwarding the entire application (description, claims, abstract and drawings) to, and evidencing reasonable diligence in ascertaining a reasonably believed last known/current address for the non-signing inventor, all as required by law.

Thus, any renewed petition by Petitioner must include:

- the required showing under 37 C.F.R. §3.73(b);

---

[3] See: MPEP 409.03(b).

- evidence that the oath/declaration and assignment and not the entire application (description, claims abstract and drawings), as required by law, were sent to the two non-siging inventors, Messrs. Ibbrahim and Vujcic;

- demonstrated due diligence as required to ascertain an address to be used/supplied for the non-signing inventor (i.e., a residence address) is current or at the very least the most reasonably believed to be last known address for the non-signing inventor(s).

It is suggested that Petitioners might review and move stepwise through the guidance in the Commentary at MPEP §409, et seq., and satisfy themselves that all the elements have been addressed completely.

CONCLUSION

Therefore, the instant petition hereby is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:[4]

By mail: Commissioner for Patents[5]
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the

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[4] On July 15, 2005, the Central Facsimile (FAX) Number changed from (703) 872-9306 to (571) 273-8300. Old number(s) no longer are in service and (571) 273-8300 is the only facsimile number recognized for centralized delivery. (For further information. see: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf .)

[5] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

[6] 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

proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

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OFFICE OF PETITIONS

WESTMAN CHAMPLIN
& KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402-3244

In re Application of :
Ibrahim, et al. : DECISION ON PETITION
Application No.: 10/589,542 :
Filed: 16 August, 2006 :
Attorney Docket No. W51.12-0033 :

This is the decision in response to the petition under 37 C.F.R. §1.47(a), filed on 17 April, 2008.

> **NOTE**: It is noted that one of the two co-inventors now has signed/joined in the oath/declaration—thus, the instant petition is considered under 37 C.F.R. §1.47(a) (rather than §1.47(b) as originally filed) as to the remaining non-signing inventor.

The petition as considered under 37 C.F.R. §1.47(a), is **GRANTED.**

Petitioner has shown that the remaining non-signing inventor has not replied and thus constructively have refused to sign/join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a). This application is hereby accorded Rule 1.47(a) status.

The record reflects that: Petitioner demonstrates that the entire application—description, claims, abstract and drawings—was sent to and received at the last known residence address of the remaining non-signing inventor, and that the non-signing inventor has since failed and, thus, constructively refused to join in the filing of the above-identified application.

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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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]

CONCLUSION

The instant petition under 37 C.F.R. §1.47 is **granted**.

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[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

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[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). See specifically, the regulations at 37 C.F.R. §10.18.

[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.

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JUN 19 2008

OFFICE OF PETITIONS

NICOLAS IBRAHIM
1, RUE BLEUETS
78180 MONTIGNY LE BRETONNEUX
FRANCE

In re Application of	:	
Ibrahim, et al.	:	COMMUNICATION
Application No.: 10/589,542	:	
Filed: 16 August, 2006	:	
Attorney Docket No. W51.12-0033	:	

Dear Nicolas Ibrahim:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

While telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s). Moreover, the Office cannot neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
WESTMAN CHAMPLIN
& KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402-3244

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

06 SEP 2006

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Alexandria, VA 22313-1450

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

In re Application of:
CHANG, Eugene, B., et al.
U.S. Application No.: 10/589,544
Int'l Application No: PCT/US2005/003765
Int'l Filing Date: 04 February 2005
Priority Date: 06 February 2004
Atty Docket No.: 27373/40386
For: AN ANTI-INFLAMMATORY, CYTOPROTECTIVE FACTOR DERIVABLE FROM A PROBIOTIC ORGANISM

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 16 August 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" 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 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 after 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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28 NOV 2008

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ALEXANDRIA, VA 22313-1450
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BROWDY AND NEIMARK, P.L.L.C.
624 NITH STREET, N.W., SUITE 300
WASHINGTON DC 20001

In re Application of	:	
FRESKGARD et al	:	
Application No.: 10/589,551	:	DECISION ON
PCT No.: PCT/DK2005/000106	:	
Int. Filing Date: 17 February 2005	:	PETITION
Priority Date: 17 February 2004	:	
Attorney's Docket No.: FRESKGARD 10	:	UNDER 37 CFR 1.181
For: METHOD FOR ... HYBRIDISATION	:	

This decision is in response to the "PETITION TO VACATE ERRONEOUS HOLDING OF ABANDONMENT," filed on 04 September 2008 which is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the abandonment mailed August 22, 2008 because the Sequence Listing was timely filed.

BACKGROUND

On 16 August 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 a translation into English of the international application was provided with the transmittal letter. However, no executed declaration and sequence listing were submitted at such time.

On 16 April 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 a "sequence Listing" as required by 37 CFR 1.821(c)" 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 respond will result in abandoned.

In response to the "NOTIFICATION OF MISSING REQUIREMENTS" mailed on 17 September 2007, applicants filed an executed declaration, a paper sequence listing (54 pp), a CFR and a paper entitled "Response to "Sequence Listing Requirement" with the USPTO on 17 September 2007.

On 22 August 2008, the DO/EO/US mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909), which indicated that applicant had failed to properly respond to notification of missing requirements mailed 04/16/07, regarding sequence requirement. According to STIC, as of 08/07/08, a transfer request was filed on 09/17/07. No transfer request was found in application. No CRF has been file.

In response to the "NOTIFICATION OF ABANDONMENT" mailed on 22 August 2008, petitioner filed on 04 September 2008 the instant petition requesting withdrawal of the Notice of Abandonment. In support of the petition, applicant has provided, *inter alia*, a copy of return itemized postcard.

DISCUSSION

A review of the file indicates that the paper sequence listing (54 pp), and the CFR were received at the USPTO on 17 September 2007.

Accordingly, applicant's response, the sequence listing filed on 17 September 2007 is considered timely and has been entered by the USPTO. Accordingly, the instant application has been improperly abandoned.

DECISION

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

Applicant's request to withdraw the "NOTIFICATION OF ABANDONMENT" is **GRANTED**. The NOTIFICATION OF ABANDONMENT, mailed 22 August 2008 has been **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 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **17 September 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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CURATOLO SIDOTI CO., LPA
24500 CENTER RIDGE ROAD, SUITE 280
CLEVELAND, OH 44145

Mail Date: 04/21/2010

Applicant	: Philip Kraft	: DECISION ON REQUEST FOR
Patent Number	: 7632790	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/589,654	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **292** 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
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CURATOLO SIDOTI CO., LPA
24500 CENTER RIDGE ROAD, SUITE 280
CLEVELAND, OH 44145

Mail Date: 04/21/2010

Applicant	: Philip Kraft	: DECISION ON REQUEST FOR
Patent Number	: 7632790	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/589,654	: OF WYETH AND NOTICE OF INTENT TO
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The Request for Recalculation is **GRANTED** to the extent indicated.

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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.

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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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SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Heen et al.	:	
Application No. 10/589,655	:	DECISION ON PETITION
Filed: August 16, 2006	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(B)
PF040026	:	
Title: METHOD FOR INSERTING	:	
A NEW DEVICE IN A COMMUNITY	:	
OF DEVICES	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed July 27, 2009 to 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 June 26, 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 September 27, 2008. A notice of abandonment was mailed on April 28, 2009.

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 of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on July 27, 2009 can be processed in due course.

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. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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 See Rule 1.137(d).

§ 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

Paul Shanoski
Senior Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**OBLON, SPIVAK, MCCLELLAND,
MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314**

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of
Sataro Shimazaki
Application No. 10/589,657
Filed: January 16, 2007
Attorney Docket No. 295022USOPCT

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 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.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mr. Sataro Shimazaki
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

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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 NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/589,657	01/16/2007	Sataro Shimazaki	295022US0PCT

CONFIRMATION NO. 9984

22850
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

OC000000025850696

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. Gabrinet

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

30 OCT 2008

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Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

In re Application of:
DIXON, Michael, John, et al.
U.S. Application No.: 10/589,684
PCT No.: PCT/GB2005/000320
International Filing Date: 31 January 2005
Priority Date: 20 February 2004
Atty's Docket No.: 9314-0046.00
For: POSITIONER DEVICE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition For Filing Declaration Under 37 CFR 1.47(a) – Non-Signing Inventor" filed 03 October 2008. Deposit Account No 06-0916 will be charged the required $200 petition fee.

BACKGROUND

On 31 January 2005, applicants filed international application PCT/GB2005/000320. The international application claimed a priority date of 20 February 2004, and it designated the United States. On 01 September 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., 20 August 2006.

On 16 August 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 20 March 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497, $420 in additional claims fees, and the surcharge for filing the declaration later than thirty months after the priority date were required.

On 03 October 2008, applicants filed a response to the Notification Of Missing Requirements (with required five-month extension fee). The response included payment of the required additional claims fees and surcharge, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of inventor Terence James HERBERT, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have authorized a charge to Deposit Account No. 06-0916 for required fees, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the two inventors and including an unsigned signature block for the non-signing inventor, Terence James HERBERT. This declaration may be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute 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 MPEP also states the following:

> 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.

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a declaration of Gary J. Edwards, with accompanying exhibits. These materials indicate that a request for signature, accompanied by a copy of the application, was forwarded to the non-signing inventor at two different last known addresses. However, the statement provides no evidence that the materials were received by the inventor. In fact, the statement indicates that mailings to the two addresses were both returned by the postal service, with indications that "addressee has gone away" (from one of the addresses) and "addressee unknown" (from the other address). Because it does not appear that the inventor received the signature requests forwarded to these apparently outdated addresses, the inventor's failure to respond to such mailings does not support a conclusion that the inventor has refused to execute the application.

In the alternative, if applicants seek to demonstrate that the non-signing inventor cannot be located, applicants must provide firsthand and documentary evidence demonstrating a diligent effort to identify a current address for the inventor and to contact him at such address. See MPEP section 409.03(d). Any such diligent search should include, but not be limited to, an internet search for the inventor, with the results of such internet search being made of record herein. The present petition includes no evidence that a diligent effort has been made to locate the non-signing inventor.

Based on the above, applicants have failed to provide an acceptable showing that the non-signing inventor has refused to execute the application or cannot be located after diligent effort. Item (4) is not satisfied on the present record.

Based on the above, applicants have failed to satisfy all the requirements of a grantable petition under 37 CFR 1.47(a).

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

04 MAR 2009

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

In re Application of:	:	
DIXON, Michael, John, et al.	:	DECISION ON RNEWED
U.S. Application No.: 10/589,684	:	PETITION UNDER
PCT No.: PCT/GB2005/000320	:	37 CFR 1.47(a)
International Filing Date: 31 January 2005	:	
Priority Date: 20 February 2004	:	
Atty's Docket No.: 9314-0046.00	:	
For: POSITIONER DEVICE	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 30 December 2008. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 30 October 2008. The decision dismissed applicants' petition under 37 CFR 1.47(a) for failure to satisfy all requirements of a grantable petition. Specifically, applicants had failed to provide an acceptable showing that non-signing inventor Terence James HERBERT refuses to execute the application or cannot be reached after diligent effort.

On 30 December 2008, applicants filed the renewed petition considered herein.

DISCUSSION

The original petition provided evidence that requests for signature, accompanied by a copy of the application, were forwarded to the non-signing inventor at two different last known addresses, and no response was received to such requests.

In the renewed petition, applicants indicate that an internet search was conducted to determine a current address for the non-signing inventor. The internet search identified the same two addresses to which applicants had previously mailed signature requests (one in Cambridge, the other in Hertfordshire). The search indicated that the address in Hertfordshire was more recent (Terence J. HERBERT was on the 2008 election rolls at such address). The renewed petition states that, as a result of this search, additional signature requests, accompanied by copies of the application, were forwarded to these two addresses. The mailing to the Cambridge address was returned for having an incorrect address (as were the previous mailings to such address); however, the mailing to the Hertfordshire address was accepted at such address on 07

November 2008. The renewed petition also indicates that an executed declaration has not been provided in response to the signature request delivered 07 November 2008.

The present submission, in combination with the original petition, provides an acceptable showing that the non-signing inventor refuses to execute the application or cannot be located after diligent effort. Applicants have therefore satisfied the final requirement for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of non-signing inventor Terence J. HERBERT.

A notice of the acceptance of the application 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 referred 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 03 October 2008.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 4 MAR 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Terence J. HERBERT
15 Clipped Hedge
Hatfield Heath
Hertfordshire CB6 2EW
United Kingdom

In re Application of: DIXON, Michael, John, et al.
U.S. Application No.: 10/589,684
PCT No.: PCT/GB2005/000320
International Filing Date: 31 January 2005
Priority Date: 20 February 2004
Atty's Docket No.: 9314-0046.00
For: POSITIONER DEVICE

Dear Mr. HERBERT:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

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

Counsel Of Record:
Gary J. Edwards
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

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**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413**

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AUG 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Dixon et al.	:	DECISION ON PETITION
Application No. 10/589,684	:	TO WITHDRAW
Filed: October 3, 2008	:	FROM RECORD
Attorney Docket No. 9314.0046-00	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on August 11, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted herein cannot be approved at this time since the Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b).

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to Alicia Kelley at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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

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OCT 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Dixon et al.	:	DECISION ON PETITION
Application No. 10/589,684	:	TO WITHDRAW
Filed: October 3, 2008	:	FROM RECORD
Attorney Docket No. 9314.0046-00	:	

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 on September 28, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted herein still cannot be approved since the Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b).

Petitioner should note that the Office will only accept correspondence address changes to the most current address information provided the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, **or**, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Notice of Allowance mailed October 8, 2009, 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 examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

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Paper No.

MERCK AND CO., INC
P O BOX 2000
RAHWAY NJ 07065-0907

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OFFICE OF PETITIONS

In re Application of	:	
Otake et al.	:	
Application No. 10/589,693	:	ON APPLICATION FOR
Filed: August 17, 2006	:	PATENT TERM ADJUSTMENT
Atty Docket No.	:	
BY0036P	:	

This is in response to the "PETITION PURSUANT TO 37 C.F.R. § 1.181 AND APPLICATION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. § 1.705," filed on November 10, 2009, which is treated as an application filed pursuant to 37 CFR 1.705(b). Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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). 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, 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).

Applicants state that the application is not subject to a terminal disclaimer.

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).

---

1 For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

The Office 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 Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

23 JUL 2007

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
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Jennifer E Langenberger
Intellectual Property Specialist
The Children's Hospital of Philadelphia
3615 Civic Center Boulevard - Room 807
Philadelphia PA 19104

In re Application of	:	DECISION ON
KO et al	:	
Application No.: 10/589,711	:	
PCT No.: PCT/US2004/011794	:	
Int. Filing Date: 16 April 2004	:	PETITION UNDER
Priority Date: 17 February 2004	:	
Attorney's Docket No.: CHOP 0225	:	
For: GENE AND CELL DELIVERY SELF	:	
IEXPANDING POLYMER STENTS	:	37 CFR 1.181

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.181 FOR REMOVAL OF THE REQUIREMENT FOR A SEQUENCE LISTING" filed on 08 June 2007, requesting the requirement for a sequence listing be withdrawn.

BACKGROUND

On 17 August 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). However, no executed Declaration as set forth by 35 U.S.C. 371(c)(4) was filed on such time.

On 16 April 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 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 Notification also stated, *inter alia*, that a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c). The Notice indicated that all the items listed must be furnished within the time period set forth. The notification set a two (2) month time limit or 32 months from the priority date for the application, whichever is later to respond. Failure to properly respond would result in abandonment.

On 08 June 2007, applicants filed, inter alia, an executed declaration, and the current petition to withdraw the request for the sequence listing requirement.

DISCUSSION

A review of the file shows that applicants did not appear to disclose a specific nucleotide or amino acid sequences. No specific sequence listing appears to have to been identified in the aforementioned application; consequently, no sequence listing is necessary.

DECISION

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

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 16 April 2007 with respect to requesting the Sequence Listing as required by 37 CFR 1.821(c) is **VACATED**. The Sequence Listing request is **Withdrawn**.

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 and the date of completion of all 35 USC 371 requirements of this application is **08 June 2007.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 23 2007

Commissioner for Patents
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GE HEALTHCARE BIO-SCIENCES CORP.
PATENT DEPARTMENT
800 CENTENNIAL AVENUE
PISCATAWAY NJ 08855

In re Application of	:
Bo-Lennart Johansson et al	:
Serial No.: 10/589,718	: PETITION DECISION
Filed: August 16, 2006	:
Attorney Docket No.: PU0406	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed August 16, 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 shows that the required amendment to the specification has not been made (or if made, cannot be found) even though applicants state such an amendment is contained in the specification.

Applicants are requested to submit an appropriate amendment to the specification is a separate paper accompanied by a renewed petition. No additional petition fee is required.

The petition is **DISMISSED** for the reasons noted above.

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

29 AUG 2008

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314

In re Application of	:	DECISION ON
CHESQUIERE et al	:	
Application No.: 10/589,731	:	
PCT No.: PCT/EP2005/002233	:	
Int. Filing Date: 03 March 2005	:	PETITION
Priority Date: 05 March 2004	:	
Attorney's Docket No.: GHES3001/JEK	:	
For: SELVEDGE FORMING ALLARATUS...	:	
FORMING A SELVEDGE	:	UNDER 37 CFR 1.182

This decision is in response to the "PETITION TO MOVE RESPONSE TO CORRECT APPLICATION NUMBER" filed on 16 June 2008, which is being treated as a petition under 37 CFR 1.182 to correct the transmittal sheet in response to the Notification of Missing Requirements because it contained a typographical error in the application number since it was filed as 10/589,831. The petition fee of $400.00 has been charged to Deposit Account No.: 02-0200.

BACKGROUND

On 17 August 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. The application papers were assigned Serial No.: 10/589,731.

On 16 April 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" must be submitted within two months from its mailing date or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

In response to the Notification mailed on 16 April 2007, applicants mailed on 14 May 2008 a response to it by filing an executed declaration. However, the transmittal letter cover sheet filing had the wrong application number because it was filed for application Serial No.: 10/589,831.

On 16 June 2008, applicants filed the current petition to correct the cover sheet filed on 14 May 2008 that identified the application number as 10/589,831 rather than the correct application number 10/589,731.

DISCUSSION

Petitioner states that the response filed on 14 May 2004 contained a typographical error in the application number assigned for the aforementioned application; however, the confirmation number 9547 was properly identified on the transmittal cover letter.

Therefore, petition to accept the response of 14 May 2008 for the instant application is granted, and will be reflected in the office action. The Response on 14 May 2008 will be copied to the instant application.

DECISION

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

The application will continued to be processed in accordance with this decision.

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

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28 SEP 2006

GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive, Suite 2500
Chicago, Illinois 60606

In re Application of	:	DECISION ON
Sailor et al	:	
Application No.: 10/589,741	:	
PCT No.: PCT/US2004/042997	:	
Int. Filing Date: 21 December 2004	:	PETITION UNDER
Priority Date: 22 December 2003	:	
Attorney's Docket No.: 0321.68812	:	
For: OPTICALLY ENCODED PARTICLES WITH	:	
GREY SCALE SPECTRA	:	37 CFR 1.137(b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 16 August 2006. The required fee of $65.00 (the surcharge under 1.492(h) for late filing of the executed declaration) has been charged to Deposit Account No. 07-2069.

BACKGROUND

On 21 December 2004, this international application was filed, claiming an earliest priority date of 22 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 22 June 2006. This international application became abandoned with respect to the United States at midnight on 22 June 2006 for failure to pay the required basic national fee.

On 16 August 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 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**.

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 **16 August 2006.**

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

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RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Kenjiro Higaki	: DECISION ON REQUEST FOR
Patent Number	: 7649270	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/589,747	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: 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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MERCK
P O BOX 2000
RAHWAY, NJ 07065-0907

Mail Date: 04/27/2010

Applicant	: Toshiyuki Takahashi	: DECISION ON REQUEST FOR
Patent Number	: 7645756	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/589,832	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **503** 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.

DOCKET NO.: OPTI-0125 PATENT

9-21-06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

John W. Moore, et al.

Application No.: 10/589,839

Filing Date: not yet known

International Application No.:

PCT/US2005/004979

International Filing Date: 17 February 2005

Confirmation No.: not yet assigned

Group Art Unit: not yet assigned 1751

Examiner: not yet assigned

For: COMPOSITIONS USEFUL AS FABRIC SOFTENERS

EXPRESS MAIL LABEL NO: EV 427088832 US
DATE OF DEPOSIT: September 21, 2006

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

Sir:

PETITION TO MAKE SPECIAL DUE TO AGE OF APPLICANT (MPEP § 708.02)

Applicant hereby petitions to make this application special due to applicant John W. Moore's age. Mr. Moore will turn 69 on February 6, 2007.

Accompanying this petition is a true and correct copy of Mr. Segal's birth certificate as well as a copy of his passport, showing a birth date of February 6, 1938, evidencing that he is over the age of 65 required by MPEP Section 708.02.

In light of the foregoing, Applicant requests expedited examination on the merits of this application.

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
OCT 16 2006

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

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

In re Application of: VON STEIN et al.
U.S. Application No.: 10/589842
PCT Application No.: PCT/SE2005/000231
International Filing Date: 21 February 2005
Priority Date Claimed: 20 February 2004
Attorney Docket No.: 514862001000
For: METHODS AND COMPOSITIONS FOR THE TREATMENT OR PREVENTION OF SECONDARY ISCHEMIC INJURY

DECISION

This decision is in response to the "Request for Withdrawal as Attorney or Agent" filed 18 June 2007.

BACKGROUND

On 21 February 2005, applicant filed international application PCT/SE2005/000231, which claimed priority of an earlier Sweden application filed 20 February 2004. The thirty-month period for paying the basic national fee in the United States expired on Tuesday, 21 August 2007.

On 18 August 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 filing fee required by 35 U.S.C. 371(c)(1).

On 18 June 2007, the present request to withdraw as attorney was filed.

DISCUSSION

MPEP § 402.06 states in relevant part,

> The Director of the United States Patent and Trademark Office usually requires that there be at least 30 days between *approval* of withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to

obtain other representation or take other action. If a period has been set for reply and the period may be extended without a showing of cause pursuant to 37 CFR 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed.

In the present case, at least 30 days remain between approval of the withdrawal and the later of the expiration date of time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

CONCLUSION

For the reasons above, the request for withdrawal as attorney or agent is ACCEPTED.

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

Tamara Graysay
PCT Special Program Examiner
Office of PCT Legal Administration
(571) 272-6728

Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

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YOUNG & THOMPSON
209 MADISON STREET, SUITE 500
ALEXANDRIA, VA 22314

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MAR 2 0 2009

OFFICE OF PETITIONS

In re Application of :
Giancarlo **DE GIACOMI** :
Application No. 10/589,848 : DECISION ON PETITION TO
Filed: October 4, 2006 : WITHDRAW FROM RECORD
Attorney Docket No. **2512-1190** : UNDER 37 CFR 1.36(b)

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, 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. 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 Jeffrey Snay 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 communications from the Office will be directed to the sole named signing inventor Giancarlo De Giacomi at the 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 Examiner, Office of Petitions

cc: **GIANCARLO DE GIACOMI**
CONDOMINIO BOTTEGHE – M12
SEGRATE, ITALY 20090

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STEVENS, DAVIS, MILLER & MOSHER, LLP
1615 L. STREET N.W.
SUITE 850
WASHINGTON DC 20036

MAIL

OCT 0 3 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Joachim LOHR, et al.
Application No. 10/589,859
Filed: August 16, 2007
For: **HAPPY BIT SETTING IN A MOBILE COMMUNICATION SYSTEM**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed August 17, 2006, under Manual of Patent Examination Procedure §708.02, VIII, requesting accelerated examination.

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

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

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

Michael Horabik
Special Program Examiner
Technology Center 2600
Communications

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20091215

DATE : December 15, 2009

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction on Patent No.: 7446698

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

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

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

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

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

☒ **Approved** **All** changes apply.

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

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

Comments:

SPE: Thomas H. Tarcza **Art Unit** 3662

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

Mail Date: 04/20/2010

Applicant	: Taichi Honda	: DECISION ON REQUEST FOR
Patent Number	: 7654420	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/589,885	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **838** 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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P.O. BOX 320850
ALEXANDRIA VA 22320-4850

10/29/07

In re Application of	:	
Nakasaka, Yukihiro	:	DECISION ON REQUEST TO
Application No. 10/589,898	:	PARTICIPATE IN PATENT
Filed: Aug. 18, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 129122	:	PILOT PROGRAM AND PETITION
For: Intake Air Amount Variation Detector	:	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 under 37 CFR 1.102(d), filed Nov. 20, 2007, 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 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. Receipt of the IDS and a copy of Japanese patent publications are acknowledged. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Stephen Cronin, SPE of Art Unit 3747, at 571-272-3700.

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

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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DOWELL AND DOWELL, PC
2111 EISENHOWER AVENUE
ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

Applicant: Tarrerias
Appl. No.: 10/589,900
International Filing Date: February 18, 2005
Title: METHOD OF PRODUCING A CUTTING BLADE AND CUTTING BLADE THUS PRODUCED
Attorney Docket No.: 15472N8
Pub. No.: 2007/0163128 A1
Pub. Date: July 19, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 10, 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 inventors' city of residence is misspelled and the benefit claim data to the French application 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 error in the benefit claim to the French Application on the front page of the publication is an Office mistake, in that the correct date should be April 8, 2004 rather than the printed August 4, 2004, but it is not a material mistake as required by 37 CFR 1.221(b). The error in the foreign priority claim 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 specification and claims were accurately

[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).

published, thus one can read and understand the content of the application. The error also does not affect the use of the patent application publication as a prior art reference, because the foreign priority date is not useable as a reference date.

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.

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

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

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Mail Date: 04/20/2010

Applicant	: Takaji Wakita	: DECISION ON REQUEST FOR
Patent Number	: 7659103	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/589,902	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **482** 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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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

In re Application of LENNING	:	
U.S. Application No.: 10/589,908	:	
PCT Application No.: PCT/SE05/00051	:	DECISION
Int. Filing Date: 19 January 2005	:	
Priority Date Claimed: 02 February 2004	:	
Attorney Docket No.: 12400-081	:	
For: A SAFETY ARRANGEMENT	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 18 August 2006.

BACKGROUND

On 19 January 2005, applicant filed international application PCT/SE05/00051, which claimed priority of an earlier United Kingdom application filed 02 February 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 11 August 2005. The thirty-month period for paying the basic national fee in the United States expired on 02 August 2006.

International application PCT/SE05/00051 became abandoned as to the United States for failure to timely pay the basic national fee.

On 18 August 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 a properly executed 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

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Bell, Boyd & Lloyd LLP
3580 Carmel Mountain Road
Suite 200
San Diego CA 92130

COPY MAILED

JAN 21 2009

Applicant: Zhi et al.
Appl. No.: 10/589,920
International Filing Date: February 24, 2005
Title: GLUCOCORTICOID RECEPTOR MODULATOR COMPOUNDS AND METHODS
Attorney Docket No.: 119378-00314 / 1110US
Pub. No.: US 2007/0281959 A1
Pub. Date: December 6, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 5, 2008, for the above-identified application

The request is **granted-in-part**

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein several inventors were omitted and in claims 1; 6, 46, 107 and 108 wherein there are typographical errors.

37 CFR 1.221 (b) is applicable "only when the Office makes **a material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. 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 by the Applicants to correct errors in the originally including the first preliminary amendment filed which includes the missing inventors and the errors in claims 1, 6 and 46 is **GRANTED**.

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

The errors noted by requestor with respect to the second preliminary amendment to the claims which relates to claims 107 and 108 are not Office errors, and therefore this portions of the request is **DISMISSED.**

The patent application publication does not include a mistake regarding the failure to include the second 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:

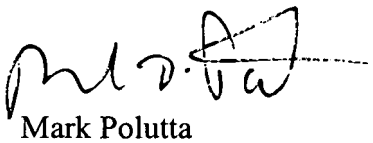
> (a) . . . The patent application publication will be based upon the specification and drawings deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application. **The patent application publication may also be based upon amendments** 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.

Applicant did not file a copy of the application in compliance with the Office electronic filing system requirements.

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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[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).

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11 SEP 2007

CAMERON INTERNATIONAL CORPORATION
P.O. BOX 1212
HOUSTON, TX 77251-1212

In re Application of :
PARKINSON, David :
Application No.: 10/589,940 :
PCT No.: PCT/GB2005/000718 :
Int. Filing Date: 25 February 2005 : DECISION ON
Priority Date: 27 February 2004 :
Attorney Docket No.: KCC-030815 : PETITION UNDER
For: CYCLONE ASSEMBLY AND METHOD :
FOR INCREASIN OR DECREASING : 37 CFR 1.47(b)
FLOW CAPACITY OF A CYCLONE :
SPEARATOR IN USE :

This is a decision on applicant's Petition Under 37 CFR 1.47(b), filed in the United States Patent and Trademark Office (USPTO) on 27 June 2007.

BACKGROUND

On 25 February 2005, applicant filed international application PCT/GB2005/000718, claiming a priority date of 27 February 2004. A copy of the international application was transmitted to the Office on 09 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 August 2006.

On 18 August 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by the basic national fee.

On 13 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) was required.

On 27 June 2007, applicant submitted a petition under 37 CFR 1.47(b) accompanied by the fee for a one month extension of time.

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.

Items (1), (3), (4), (5) and (6) have been satisfied. The petition fee has been paid. Applicant states the last known mailing address of Mr. David Parkinson as Arodene, Walton Down; Walton-in-Gordano; Clevedon, North Somerset BS21 7AR; United Kingdom. The declaration complies with 37CFR 1.497(a)-(b) and 37 CFR 1.47. The legal memorandum and supporting documentation are sufficient to establish applicant's proprietary interest in the application. Applicant has established that this petition is necessary to preserve the rights of the parties or to prevent irreparable harm.

Items (2) has not been satisfied. Applicant does not indicate that Mr. Parkinson was provided with a complete copy of the application papers, including the oath or declaration and that he failed to return a signed oath or declaration.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required.

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

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3455
Facsimile: 571-273-0459

17 DEC 2007

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CAMERON INTERNATIONAL CORPORATION
P.O. BOX 1212
HOUSTON, TX 77251-1212

In re Application of	:	
PARKINSON, David John	:	
Application No.: 10/589,940	:	
PCT No.: PCT/GB2005/000718	:	
Int. Filing Date: 25 February 2005	:	DECISION ON
Priority Date: 27 February 2004	:	
Attorney Docket No.: KCC-030815	:	PETITION UNDER
For: CYCLONE ASSEMBLY AND METHOD	:	
FOR INCREASING OR DECREASING	:	37 CFR 1.47(b)
FLOW CAPACITY OF A CYCLONE	:	
SEPARATOR IN USE	:	

This is a decision on applicant's Petition Under 37 CFR 1.47(b), filed in the United States Patent and Trademark Office (USPTO) on 12 October 2007.

BACKGROUND

On 11 September 2007, the Office mailed Decision On Petition Under 37 CFR 1.47(b), dismissing applicant's petition without prejudice and setting a two month extendable period for reply.

On 12 October 2007, applicants filed this renewed petition under 37 CFR 1.47(b).

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.

Items (1), (3), (4), (5) and (6) were previously satisfied. The petition fee has been paid. Applicant states the last known mailing address of Mr. David Parkinson as Arodene, Walton Down; Walton-in-Gordano; Clevedon, North Somerset BS21 7AR; United Kingdom. The declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.47. The legal memorandum and supporting documentation are sufficient to establish applicant's proprietary interest in the application. Applicant has established that this petition is necessary to preserve the rights of the parties or to prevent irreparable harm.

Items (2) has now been satisfied. Applicant sent a complete copy of the application papers to applicant's last known address and his business address and emailed him the documents. After a reasonable period for response, a signed declaration was not received.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(b) 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 Patent Application Processing 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 **27 June 2007**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 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
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Mr. David Parkinson
Arodene, Walton Down
Walton-in-Gordano; Clevedon,
North Somerset BS21 7AR
United Kingdom

In re Application of
PARKINSON, David John
Application No.: 10/589,940
PCT No.: PCT/GB2005/000718
Int. Filing Date: 25 February 2005
Priority Date: 27 February 2004
Attorney Docket No.: KCC-030815
For: CYCLONE ASSEMBLY AND METHOD FOR INCREASING OR DECREASING FLOW CAPACITY OF A CYCLONE SEPARATOR IN USE

Dear Mr. Parkinson

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. 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

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

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OFFICE OF PETITIONS

KRATZ, QUINTOS & HANSON, LLP
1420 K STREET, N.W.
SUITE 400
WASHINGTON DC 20005

In re Patent No. 7,371,110 :
Issue Date: May 13, 2008 :
Application No. 10/590,013 : ON PETITION
Filed: August 21, 2006 :
Attorney Docket No. 060624 :

This is a decision on the petition filed July 22, 2008, which is being treated as a petition under 37 CFR 3.81(b) to include the second assignee's name on the front page of the above-identified patent by way of a certificate of correction.

The petition is **DISMISSED**.

Petitioner requests issuance of a certificate of correction in the name of "Yazaki Corporation, Tokyo(JP) and Toyota Jidosha Kabushiki Kaisha, Toyota-shi, (JP)."

However, U.S. Patent and Trademark Office assignment records also disclose "Ranbaxy Laboratories Limited" as an assignee recorded on July 25, 2006. Clarification is required.

Telephone inquiries concerning this decision on petition should be directed to the undersigned at (571) 272-3208.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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13 SEP 2006

PEARL COHEN ZEDEK, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK NY 10036

In re Application of SHEMI et al.
Application No.: 10/590,053
PCT No.: PCT/IL05/00208
Int. Filing: 20 February 2005
Priority Date: 18 February 2004
Attorney Docket No.: P-6624-PC
For: SYSTEM AND METHOD FOR THE FABRICATION OF AN ELECTRO-OPTICAL MODULE

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 21 August 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing of the national stage application of the above referenced international application for patent, from the time of the deadline for filing the national stage application until the filing of this paper and the filing of the national stage application (herewith) 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 $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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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21 FEB 2008

EMPK & SHILOH, LLP
116 JOHN ST., SUITE 1201
NEW YORK, NY 10038

In re Application of SHEMI et al.	:
Application No.: 10/590,053	: DECISION ON PETITION
PCT No.: PCT/IL05/00208	:
Int. Filing: 20 February 2005	: UNDER 37 CFR §§1.47(a) and 1.137(b)
Priority Date: 04 February 2004	:
Attorney Docket No.: P-6624-US	:
For: SYSTEM AND METHOD FOR THE FABRICATION OF AN ELECTRO-OPTICAL MODULE	:

This is a decision on applicant's petition under 37 CFR §§1.1.37(b) and 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 20 December 2007, to accept the application without the signature of joint inventor Dr. Amotz Shemi.

BACKGROUND

On 21 August 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 20 November 2006, 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. The application went abandoned on 20 June 2007 for failure to reply to the 20 November 2006 Notification of Missing Requirements within the time period set therein. A Notification of Abandonment was not mailed to applicant.

On 20 December 2007, applicant filed the instant petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor Shemi and a revocation of power of attorney with new appointment. 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 Shemi, alleging that Dr. Shemi refused to sign the application.

DISCUSSION

Petition under 37 CFR 1.137(b)

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 regard to Item (1), a review of the application file reveals that the proper reply, a declaration executed by the inventors, in compliance with 37 CFR 1.497(a) and (b), was not provided. Instead, Petitioner filed a petition under 37 CFR 1.47(a) with respect to the non-signing inventor, which is addressed below.

With respect to Item (2),the required petition fee of $770 has been paid.

With respect to Item (3), applicant's statement that "the entire delay in filing the required reply in response to the Notification from the due date for the reply until the filing of the present, grantable petition under 37 CFR 1.137(b) was unintentional" does not meet the requirements of 37 CFR 1.137(b)(3). The present counsel of record indicates that "as a consequence of the engagement of new attorneys, as indicated by Attachment (3) and the physical transfer of the application file, the need to respond to the Notification was overlooked." This explains the delay for the period of time when present counsel took over application file until the filing of the petition (approximately 30 August 2007 until 20 December 2007). However, no explanation is given for the delay in filing a reply to avoid abandonment of the application (20 June 2007). What is required is a statement by counsel of record at the time of abandonment (20 June 2007) indicating whether the delay was unintentional.[1]

Petition under 37 CFR 1.47(a)

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[1] MPEP section 711.03(c)II.C.2.E. states as follows: The question under 37 CFR 1.137 is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unavoidable or unintentional. When the applicant assigns the entire right, title, and interest in an invention to a third party (and thus does not retain any legal or equitable interest in the invention), the applicant's delay is irrelevant in evaluating whether the delay was unavoidable or even unintentional. See *Kim v. Quigg*, 718 F. Supp. 1280, 1284, 12 USPQ2d 1604, 1607-08 (E.D. Va. 1989). When an applicant assigns the application to a third party (e.g., the inventor/applicant's employer), and the third party decides not to file a reply to avoid abandonment, the applicant's actions, inactions or intentions are irrelevant under 37 CFR 1.137, unless the third party has reassigned the application to the applicant prior to the due date for the reply. *Id.*

Likewise, where the applicant permits a third party (whether a partial assignee, licensee, or other party) to control the prosecution of an application, the third party's decision whether or not to file a reply to avoid abandonment is binding on the applicant. See *Winkler*, 221 F. Supp. at 552, 138 USPQ at 667. Where an applicant enters an agreement with a third party for the third party to take control of the prosecution of an application, the applicant will be considered to have given the third party the right and authority to prosecute the application to avoid abandonment (or not prosecute), unless, by the express terms of the contract between applicant and the third party, the third party is conducting the prosecution of the application for the applicant solely in a fiduciary capacity. See *Futures Technology Ltd. v. Quigg*, 684 F. Supp. 430, 431, 7 USPQ2d 1588, 1589 (E.D. Va. 1988). Otherwise, the applicant will be considered to have given the third party unbridled discretion to prosecute (or not prosecute) the application to avoid abandonment, and will be bound by the actions or inactions of such third party.
(Emphasis added.)

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 Amotz Shemi was provided.

With regard to item (4), the declaration executed by the available joint inventors on their behalf and on behalf of the non-signing inventor was submitted and is found to be defective. The declaration is a three page declaration; however, the declaration as filed is comprised of four pages: one page "1", one page "2" and two pages marked "3", which 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. The declaration is unacceptable as filed. Item (4) is not satisfied.

Inventor's Refusal to Sign

With respect to Item (2) above, the declaration by Shai Belzer, Chief Financial Officer of ColorChip, Ltd. was attached to the petition, detailing the efforts made to obtain the nonsigning inventor's signature. According to his declaration, on 30 August 2007, Mr. Belzer sent, via registered mail, a package containing several documents including a declaration to Dr. Shemi's last known address. On 25 September 2007, Dr. Shemi called Mr. Belzer and told him that he had received the documents and verbally refused to sign the declaration. The nonsigning inventor must be presented with a copy of the application papers before a petition under 37 CFR 1.47 can be granted in order to apprise the inventor of the application to which the declaration is directed. Neither Mr. Belzer's letter or his declaration indicate that a complete copy of the application papers (including specification, claims, drawings, and oath or declaration) were sent to the nonsigning inventor for his signature.

See Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal. [2]

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[2] 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.

In sum, Petitioner has satisfied Items (1) and (3).

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 10/590,053 (specification, including claims, drawings, and declaration) to the nonsigning inventor for his signature and Dr. Shemi's refusal to sign, either in writing or by telephone, these documents. Item (4) is not satisfied as the declaration is unacceptable as filed. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petitions under 37 CFR §§1.47(a) and 1.137(b) are **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petitions under 37 CFR §1.47(a) and 1.137(b) 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 1.137(b)." 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

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.)

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29 MAY 2008

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EMPK & SHILOH, LLP
116 JOHN ST., SUITE 1201
NEW YORK, NY 10038

In re Application of SHEMI et al.	:
Application No.: 10/590,053	: DECISION ON RENEWED
PCT No.: PCT/IL05/00208	:
Int. Filing: 20 February 2005	: PETITION UNDER
Priority Date: 04 February 2004	:
Attorney Docket No.: P-6624-US	: 37 CFR §§1.47(a) and 1.137(b)
For: SYSTEM AND METHOD FOR THE FABRICATION OF AN ELECTRO-OPTICAL MODULE	:

This is a decision on applicant's renewed petition under 37 CFR §§1.1.37(b) and 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 02 April 2008, to accept the application without the signature of joint inventor Dr. Amotz Shemi.

BACKGROUND

On 20 November 2006, 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. The application went abandoned on 20 June 2007 for failure to reply to the 20 November 2006 Notification of Missing Requirements within the time period set therein. A Notification of Abandonment was not mailed to applicant.

On 20 December 2007, applicant filed the instant petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor Shemi and a revocation of power of attorney with new appointment. 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 Shemi, alleging that Dr. Shemi refused to sign the application.

On 21 February 2008, a decision dismissing the petition was mailed to applicant indicating, *inter alia*, that with regard to the petition to revive, the proper reply had not been furnished and with regard to the petition under 37 CFR 1.47(a), petitioner had not demonstrated the non-signing inventor's refusal to sign the application.

On 02 April 2008, Petitioner filed the instant renewed petition along with a newly executed declaration and first-hand statements of fact regarding the non-signing inventor's refusal and the circumstances of the delay in filing the petition to revive.

DISCUSSION

Petition under 37 CFR 1.137(b)

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 regard to Item (1), a review of the application file reveals that the proper reply, a declaration executed by the inventors, in compliance with 37 CFR 1.497(a) and (b), has now been provided.

Item (2) was previously satisfied.

With respect to Item (3), statements by Yosi Barkai, former counsel of record at the time the Notification of Missing Requirements issued (20 November 2006) until approproximately15 May 2007 and of the Shai Belzer, Chief Financial Officer of ColorChip, Ltd. were provided and indicate that the entire delay was unintentional. Thus, Petitioner has met all of the requirements of 37 CFR 1.137(b) and the petition is granted.

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).

Items (1) and (3) were previously satisfied.

With regard to item (4), Petitioner has provided a newly executed declaration, which is in compliance with 37 CFR 1.497(a) and (b) and is acceptable as filed. Item (4) is now satisfied.

With respect to Item (2) above, the declaration by Shai Belzer, Chief Financial Officer of ColorChip, Ltd. was attached to the petition, detailing the efforts made to obtain the nonsigning inventor's signature. According to his declaration, on 18 March 2008, Mr. Belzer sent, via Courier Service of the Israeli Post Office, a package containing a complete copy of the application including specification, drawings, claims, preliminary amendment and a declaration to Dr. Shemi's last known address. Two attempts to deliver the package were unsuccessful and Dr. Shemi did not respond to the notices to arrange delivery. On 25 March 2008, Mr. Belzer "spoke to Dr. Shemi by telephone and requested that he cooperate and sign the Inventor Declaration. He explicitly refused and told me to stop bothering him, as he will not sign any documents." This is sufficient evidence of the non-signing inventor's refusal to sign the application papers.

In sum, Petitioner has satisfied Items (1) - (4). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petitions under 37 CFR §§1.47(a) and 1.137(b) are **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 02 April 2008. The application has an international filing date of 20 February 2005 under 35 U.S.C. 363, and a date of 2 April 2008 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
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

29 MAY 2008

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DR. AMOTZ SHEMI
24 MALCHEI YEHUDA STREET
HERZLIYA 46348
ISRAEL

In re Application of SHEMI et al.	:
Application No.: 10/590,053	: DECISION ON
PCT No.: PCT/IL05/00208	:
Int. Filing: 20 February 2005	: PETITION UNDER
Priority Date: 04 February 2004	:
Attorney Docket No.: P-6624-US	: 37 CFR §§1.47(a)
For: SYSTEM AND METHOD FOR THE FABRICATION OF AN ELECTRO-OPTICAL MODULE	:

Dear Dr. Shemi:

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

EMPK & SHILOH, LLP
116 JOHN ST., SUITE 1201
NEW YORK, NY 10038

0 5 MAR 2008

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P.O. Box 1450
Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of :
MARTIN, et al. : DECISION ON PETITION
U.S. Application No.: 10/590,057 :
PCT No.: PCT/FR05/00429 : UNDER 37 CFR 1.497(d)
Int. Filing Date: 23 February 2005 :
Priority Date: 24 February 2004 :
Atty Docket No.: 129161 :
For: INTERMEDIATE FRONT FEEDER SUPPORT :
ELEMENT FOR A MOTOR VEHICLE AND :
PRODUCTION METHOD THEREOF :

This decision is in response to applicant's "Petition For Correction of Inventorship Under 37 C.F.R. § 1.48(a)" filed 13 September 2007 in the United States Patent and Trademark Office (USPTO). The petition is being considered under 37 CFR 1.497(d).

BACKGROUND

On 23 February 2005, applicant filed international application PCT/FR05/00429, which claimed priority of an earlier application filed 24 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 September 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 24 August 2006.

On 21 August 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 preliminary amendment, an English translation of the international application and an information disclosure statement.

On 14 December 2006, applicant filed an assignment and a declaration, which in addition to being executed by the inventors listed on the published international application was signed by a fourth inventor, Yvon Tetu.

On 09 July 2007, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant that the filed declaration included an inventor, Yvon Tetu, who was not listed on the published international application. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 13 September 2007, applicant responded with the present petition accompanied by a

petition for a one-month extension of time and payment of the appropriate extension of time fee. As such, the response is considered timely filed.

DISCUSSION

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).

As to Item (1), applicant has provided a statement from Yvon Tetu declaring that the error in inventorship occurred without deceptive intent.

Regarding Item (2), on 14 December 2006 applicant filed a combined declaration and power of attorney executed by the inventors listed on the published international application, as well as, Yvon Tetu.

As Item (3), applicant has provided a petition fee payment of the $400.00. Applicant is advised that the petition fee under 37 CFR 1.17(h) is $130.00. As such, $270.00 will be refunded to deposit account number 15-0461.

Regarding Item (4), applicant has provided a statement from the assignees consenting to the addition of Yvon Tetu as an inventor in the present application.

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application has an international application filing date of 23 February 2005 and will be given a date of **14 December 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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

04 OCT 2006

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

In re Application of	:	
DAWSON, John	:	
Application No.: 10/590,070	:	DECISION
PCT No.: PCT/AU05/00197	:	
Int. Filing Date: 16 February 2005	:	ON PETITION UNDER
Priority Date: 16 February 2004	:	
Docket No.: 28594/40916	:	37 CFR 1.137(b)
For: SPERMICIDAL PREPARATIONS AND USES THEREOF	:	

Applicants' "Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the above-captioned application on 21 August 2006 is **GRANTED**.

Applicants indicate 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. 13-2855.

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

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

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15 JUL 2007

Frank C Nicholas
Cardinal Law Group
Suite 2000
1603 Orrington Avenue
Evanston, IL 60201

In re Application of :
SANFILIPPO, James, J. et al. :
Application No.: 10/590,100 :
PCT No.: PCT/US2005/005006 :
Int. Filing Date: 17 February 2005 : NOTIFICATION
Priority Date: 17 February 2004 :
Attorney Docket No.: 4700/78 :
For: FLEXIBLE BAGS WITH LOCATORS :

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 17 February 2005, applicant filed international application PCT/US2005/005006, which claimed a priority date of 17 February 2004. The deadline for entry into the national stage in the United States was thirty months from the priority date, 17 August 2006.

On 17 August 2006, applicant submitted a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee and a declaration of the inventors.

On 10 April 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration and the surcharge for late filing of the oath or declaration. The Notification indicated that the declaration listed John E. Sanfilipro (*sic.*) who was not listed on the international publication.

On 27 April 2007, applicants filed a second copy of the earlier filed declaration as a new application. The submission was assigned application no. 11/718,212.

DISCUSSION

The 27 April 2007 submission was misdirected and filed as a new application rather than as a submission for 10/590,100. A petition under 37 CFR 1.182 and petition fee of $400 are required to fix this error.

Though the declaration and submission were misdirected to 11/718,212, this notification will address them. Applicant claims that the original Request form named John E. Sanfilippo. The Request form does not list "John E. Sanfilippo." Rather, it lists "James J. Sanfilippo" twice. Additionally, it is noted that while the Request form listed "James J. Sanfilippo," the international publication incorrectly listed James J. "Sanfilipro".

If an error was made in naming the inventive entity during the international phase, a request under 37 CFR 1.497(d) and the fee are required.

CONCLUSION

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and a petition under 37 CFR 1.182 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 the abandonment of the application.

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

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

11 OCT 2007

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Frank C Nicholas
Cardinal Law Group
Suite 2000
1603 Orrington Avenue
Evanston, IL 60201

In re Application of	:	
SANFILIPPO, James, J. et al.	:	
Application No.: 10/590,100	:	DECISION ON
PCT No.: PCT/US2005/005006	:	
Int. Filing Date: 17 February 2005	:	REQUEST
Priority Date: 17 February 2004	:	
Attorney Docket No.: 4700/78	:	UNDER 37 CFR 1.497(d)
For: FLEXIBLE BAGS WITH LOCATORS	:	

This decision is in response to applicant's request under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 14 August 2007.

BACKGROUND

On 17 February 2005, applicant filed international application PCT/US2005/005006, which claimed a priority date of 17 February 2004. The deadline for entry into the national stage in the United States was thirty months from the priority date, 17 August 2006.

On 17 August 2006, applicant submitted a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee and a declaration of the inventors.

On 10 April 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration and the surcharge for late filing of the oath or declaration. The Notification indicated that the declaration listed John E. Sanfilipro (*sic.*) who was not listed on the international publication.

On 27 April 2007, applicants filed a second copy of the earlier filed declaration as a new application. The submission was assigned application no. 11/718,212.

On 15 July 2007, the Office mailed Notification, indicating that the second submission of the declaration had been located, but that a petition under 37 CFR 1.182 was required to relocate the papers to the correct application.

On 13 August 2007, applicant submitted a petition under 37 CFR 1.182.

On 14 August 2007, applicant filed a request under 37 CFR 1.497(d) to correct the inventorship in the application.

DISCUSSION

Applicants file this request to remove the second listing of James J. Sanfilippo as an inventor and to add John E. Sanfilippo as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) has been satisfied. Applicants have provided a statement from John E. Sanfilippo and the processing fee will be charged to deposit account no. 50-1713, as authorized.

Item (3) has not been satisfied. A written consent of the assignee has not been submitted. The written consent of the assignee must comply with 37 CFR 3.73.

CONCLUSION

For the above reasons, 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. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". 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.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

10/11/2007 SBASHEIR 00000003 501713 10590100
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11 OCT 2007

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Alexandria, VA 22313-1450
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Frank C Nicholas
Cardinal Law Group
Suite 2000
1603 Orrington Avenue
Evanston, IL 60201

In re Application of	:	
SANFILIPPO, James, J. et al.	:	
Application No.: 10/590,100	:	DECISION ON
PCT No.: PCT/US2005/005006	:	
Int. Filing Date: 17 February 2005	:	PETITION
Priority Date: 17 February 2004	:	
Attorney Docket No.: 4700/78	:	UNDER 37 CFR 1.182
For: FLEXIBLE BAGS WITH LOCATORS	:	

This decision is in response to applicant's petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 13 August 2007.

BACKGROUND

On 17 February 2005, applicant filed international application PCT/US2005/005006, which claimed a priority date of 17 February 2004. The deadline for entry into the national stage in the United States was thirty months from the priority date, 17 August 2006.

On 17 August 2006, applicant submitted a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee and a declaration of the inventors.

On 10 April 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration and the surcharge for late filing of the oath or declaration. The Notification indicated that the declaration listed John E. Sanfilipro (*sic.*) who was not listed on the international publication.

On 27 April 2007, applicants filed a second copy of the earlier filed declaration as a new application. The submission was assigned application no. 11/718,212.

On 15 July 2007, the Office mailed Notification, indicating that the second submission of the declaration had been located, but that a petition under 37 CFR 1.182 was required to relocate the papers to the correct application.

On 13 August 2007, applicant submitted this petition under 37 CFR 1.182.

DISCUSSION

The 27 April 2007 submission was misdirected and filed as a new application rather than as a submission for 10/590,100. Applicants have supplied a petition under 37 CFR 1.182 and petition fee of $400 to relocate the papers. The papers have been relocated.

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

25 AUG 2008

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Frank C Nicholas
Cardinal Law Group
Suite 2000
1603 Orrington Avenue
Evanston, IL 60201

In re Application of	:	
SANFILIPPO, James, J. et al.	:	
Application No.: 10/590,100	:	DECISION ON
PCT No.: PCT/US2005/005006	:	
Int. Filing Date: 17 February 2005	:	REQUEST
Priority Date: 17 February 2004	:	
Attorney Docket No.: 4700/78	:	UNDER 37 CFR 1.497(d)
For: FLEXIBLE BAGS WITH LOCATORS	:	

This decision is in response to applicant's request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 09 November 2007.

BACKGROUND

On 11 October 2007, the Office mailed Decision On Request Under 37 CFR 1.497(d), dismissing applicant's request without prejudice and setting a two month period for reply.

On 09 November 2007, applicant filed a renewed request under 37 CFR 1.497(d) to correct the inventorship in the application.

DISCUSSION

Applicants file this renewed request to remove the second listing of James J. Sanfilippo as an inventor and to add John E. Sanfilippo as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) were previously satisfied.

Item (3) has now been satisfied. A written consent of the assignee has been submitted.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of 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 17 August 2006.

/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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United States Patent and Trademark Office
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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 Issler	: DECISION ON REQUEST FOR
Patent Number	: 7647863	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/590,129	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/07/2007	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Date Mailed: September 18, 2007

HUTCHISON LAW GROUP PLLC
PO BOX 31686
RALEIGH NC 27612

Applicant: Peretti et al.
Appl. No.: 10/590,137
Filing Date: August 22, 2006
Title: MOLECULAR SPACER ARM, PROCESS FOR THE PRODUCTION THEREOF AND USES ON AN ANALYTICAL CHIP COMPRISING MOLECULES OR BIOMOLECULES
Attorney Docket No.: BRV.10049WOUS
Pub. No.: US 2007/0190570 A1
Pub. Date: August 16, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on September 17, 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 "follow-on document", 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.

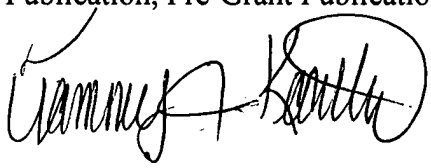
Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission.

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 Patent Publication, Pre-Grant Publication Division, 703-605-4283.



Tammy J. Koontz
Program & Management Analyst
Pre-Grant Publication Division
Office of Patent Publication

Adjustment date: 09/19/2007 KKING1
09/18/2007 INTEFSW 00001756 503218 10590137
01 FC:1505 300.00 CR

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05 DEC 2006

WENDEROTH, LIND & PONACK, LLP
2033 K Street, N.W., Suite 800
Washington, DC 20006-1021

In re Application of
BORTOLUSSI, Claudio
U.S. Application No.: 10/590,145
PCT No.: PCT/IB2004/003852
Int. Filing Date: 23 November 2004
Priority Date: 24 November 2003
Attorney Docket No.: 2006-0985A
For: RESILIENTLY COMPENSATED WIRE TENSIONER PARTICULARLY FOR USE IN THE FIELD OF VINE GROWING

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

Applicant's petition to revive under 37 CFR 1.137(b) filed on 21 August 2006 with the national stage papers is hereby **GRANTED** as follows:

The basic national fee and the petition fee for a small entity have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

COPY MAILED

JAN 14 2010

In re Application of	:	
Willner et al.	:	DECISION ON PETITION
Application No. 10/590,154	:	TO WITHDRAW
Filed: June 7, 2007	:	FROM RECORD
Attorney Docket No. 085449-0200	:	

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 24, 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 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 Michele Simkin on behalf of all attorneys of record who are associated with customer No. 22428.

All attorneys/agents associated with the Customer Number 22428 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

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

11 SEP 2006

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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

In re Application of Walter LINK
Application No.: 10/590,163
PCT No.: PCT/EP04/12584
Int. Filing: 06 November 2004
Priority Date: 17 February 2004
Attorney Docket No.: 026032-5053
For: VEHICLE SEAT, PARTICULARLY FOR A MOTOR VEHICLE, COMPRISING A FOLDING BACK REST AND A FOLDABLE SEAT BASE AND METHOD

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 21 August 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 $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. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **21 August 2006.**

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,165	08/29/2008	Andreas Ruefer	20040252-3	4124

7590 12/04/2009

AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER	
NOGUEROLA, ALEXANDER STEPHAN	
ART UNIT	**PAPER NUMBER**
1795	
NOTIFICATION DATE	**DELIVERY MODE**
12/04/2009	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.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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ARTHUR FREILICH
FREILICH, HORNBAKER & ROSEN
9045 CORBIN AVENUE
SUITE 260
NORTHRIDGE, CA 91324

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MAY 07 2007

OFFICE OF PETITIONS

In re Application of :
Koerner, Ralph J. :
Application No. 10/590,180 : ON PETITION
Filed: August 22, 2006 :
Attorney Docket No. 204/505 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 28, 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 a statement from the applicant, along with a copy of his U.S. Passport. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned 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 Office of Initial Patent Examination for further processing. Thereafter, it will be referred to the Technology Center Art Unit 3765 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

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06 SEP 2007

57272
THE DOW CHEMICAL COMPANY
9330 Zionsville Road
Indianapolis, IN 46268

In re Application of
FRANK *et al*
U.S. Application No.: 10/590,185
PCT No.: PCT/US05/05309
Int. Filing Date: 18 February 2005
Priority Date: 27 February 2004
Attorney Docket No.: 62644A
For: METHOD FOR THE EXTRACTION OF INTERCELLULAR PROTEINS FROM A FERMENTATION BROTH

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on applicants' "Response to Notification of Defective Response" filed 25 May 2007 requesting to add Jeffrey R. Allen as an inventor in the above-captioned national stage application. This is treated as a request under 37 C.F.R. 1.497(d).

BACKGROUND

On 06 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 or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to comply with extensions of time available pursuant to 37 CFR 1.136(a).

On 02 April 2007, applicants filed an executed declaration and surcharge fee.

On 30 April 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) noting that the declaration filed 02 April 2007 listed an additional inventor than recorded on the international publication.

On 25 May 2004, applicants filed the subject response which was accompanied by, *inter alia*, a statement of inventive entity and authorization to charge any required fee to Deposit Account No. 04-1512.

DISCUSSION

Applicants request that Jeffrey R. Allen be added as inventor to the above-captioned national stage application of PCT/US05/05309. Applicants included a statement of inventive entity signed by the four named inventors in the international

application explaining that Mr. Allen "contributed to at least one claim of the application." Counsel also states that the error was made without deceptive intent. However, this does not meet the requirements for a grantable petition.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (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 a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), 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(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).

Here, applicants have not provided the requisite statement from Mr. Allen. As such, item (1) is not satisfied.

The $130.00 fee has been charged to Deposit Account No. 04-1512 as authorized. Item (2) is complete.

Applicants have also not provided the written consent of the assignee or addressed whether an assignment has been executed in the above-captioned national stage application. Applicants must address this item in their renewed petition. For this reason, item (3) is also not satisfied.

Therefore, all the requirements of 37 CFR 1.497(d) are not yet satisfied.

CONCLUSION

For the reason discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Accordingly, the declaration filed 02 April 2007 is not yet in compliance with 37 CFR 1.497(a) and (b).

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. Applicants must address items (1) and (3) of 37 CFR 1.497(d) above with any response. Extensions of time may be obtained under 37 CFR 1.136(a).

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

14 JUL 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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57272
THE DOW CHEMICAL COMPANY
9330 Zionsville Road
Indianapolis, IN 46268

In re Application of :
FRANK *et al* :
U.S. Application No.: 10/590,185 :
PCT No.: PCT/US05/05309 :
Int. Filing Date: 18 February 2005 : **DECISION ON**
Priority Date: 27 February 2004 : **PETITION**
Attorney Docket No.: 62644A : **UNDER 37 CFR 1.497(d)**
For: METHOD FOR THE EXTRACTION OF :
INTERCELLULAR PROTEINS FROM A :
FERMENTATION BROTH :

This is a decision on the renewed request to add an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) filed 21 December 2007.

BACKGROUND

On 06 September 2007, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 21 December 2007, applicants filed the renewed petition along with, *inter alia*, a two-month extension of time, a statement by co-inventor, Jeffrey Allen and a Statement Under 37 C.F.R. § 3.73(b) signed by Jarett K. Abramson.

DISCUSSION

Applicants request to add Jeffrey R. Allen as an inventor in the above-captioned national stage application. As previously indicated, 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (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 a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), 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(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).

Applicants previously completed item (2) of 37 CFR 1.497(d).

In the renewed petition, applicants submitted a statement by Jeffrey R. Allen indicating that the omission of his name occurred without deceptive intention on his part. This statement satisfies item (1) of 37 CFR 1.497(d). Applicants also indicate that Dow Global Technologies, Inc. is the assignee and have submitted a Statement Under 37 C.F.R. § 3.73(b) indicating that Mr. Abramson is authorized to act on behalf of the assignee. Mr. Abramson states in the petition that "the assignee provides its consent to add Jeffrey as an inventor to this application." This is sufficient to meet the requirements of § 324 MPEP and item (3) of 37 CFR 1.497(d).

All items of 37 CFR 1.497(d) are now complete.

CONCLUSION

Applicants' request to add Jeffrey R. Allen as an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 02 April 2007 is now in compliance with 37 CFR 1.497(a) and (b). Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 18 February 2005, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 02 April 2007.

This application is being forwarded to the DO/EO/US for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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29 APR 2008

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

In re Application of :
DURAN, et al. :
PCT No.: PCT/FR05/50119 : DECISION ON PETITION
Application No.: 10/590,197 :
Int. Filing Date: 23 February 2005 : UNDER 37 CFR 1.47(a)
Priority Date: 24 February 2004 :
Atty. Docket No.: 294729US0PCT :
For: SUBSTRATE SUCH AS GLASS SUBSTRATE :
WITH A HYDROPHOBIC SURFACE AND :
IMPROVED DURABILITY OF HYDROPHOBIC :
PROPERTIES :

This decision is in response to applicant's "Petition Under 37 CFR § 1.47" filed 20 September 2007 in the United States Patent and Trademark Office (USPTO). In addition, this decision incorporates applicant's "Submission of Declaration And Power of Attorney" filed on 27 November 2007.

BACKGROUND

On 23 February 2005, applicant filed international application PCT/FR05/50119 which claimed priority to an earlier application filed 24 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 15 September 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 24 August 2006.

On 22 August 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 an English translation of the international application as filed.

On 20 April 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 20 September 2007, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of co-inventor Maxine Duran accompanied by a

declaration executed by co-inventor Arnaud Huignard and a petition for a three-month extension of time and payment of the appropriate extension of time fee. With the filing of the extension of time petition and payment of the extension of time fee the response is considered timely filed.

On 27 November 2007, applicant filed a supplemental petition which included a declaration executed by co-inventor Maxine Duran.

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.

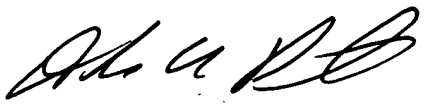
The petition filed 20 September 2007 was a proper and timely response to the Form PCT/DO/EO/905 mailed 20 April 2007. As noted above, applicant filed a declaration signed by co-inventor Duran on 27 November 2007 and therefore the petition is dismissed as moot. Further, a review of the application file 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.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED as moot**.

The application has an international filing date of 23 February 2005 under 35 U.S.C. 363, and will be given a date of **27 November 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
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Yota Mizuno	: DECISION ON REQUEST FOR
Patent Number	: 7628091	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/590,233	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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MORGAN, LEWIS & BOCKIUS LLP
1701 MARKET STREET
PHILADELPHIA, PA 19103-2921

Mail Date: 04/21/2010

Applicant	: Simon W. Bayloff	: DECISION ON REQUEST FOR
Patent Number	: 7601546	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/590,248	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/26/2007	: 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.

06 AUG 2008

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Jay S Cinamon
AbelmanFrayne & Schwab
666 Third Avenue
10th Floor
New York, NY 10017-5621

In re Application of	:	
HOLLANDER, Anthony P., et al.	:	
Application No.: 10/590,250	:	
PCT No.: PCT/ER2005/050817	:	
Int. Filing Date: 25 February 2005	:	NOTIFICATION
Priority Date: 27 February 2004	:	
Attorney Docket No.: 207,768	:	
For: HYARULONIC ACID DERIVATIVE BASED THREE-DIMENSIONAL MATRIX	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 17 August 2006, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The transmittal letter indicated this application was a national phase of PCT/ER2005/050817. Other papers listed international application no. PCT/EP2005/050817.

DISCUSSION

A national stage application is the national stage of only a single international application. To enter the national phase in the United States, applicant is required to state the international application number.

As applicants have listed conflicting international application numbers, applicant is required to identify which application number is correct and to furnish a petition under 37 CFR 1.182 along with the fee to correct the erroneous indication.

CONCLUSION

A proper response is required within **TWO (2) MONTHS** of the mailing of this notification. Failure to timely reply will result in the abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

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

0 8 SEP 2008

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Jay S Cinamon
AbelmanFrayne & Schwab
666 Third Avenue
10th Floor
New York, NY 10017-5621

In re Application of :
HOLLANDER, Anthony P., et al. :
Application No.: 10/590,250 :
PCT No.: PCT/EP2005/050817 :
Int. Filing Date: 25 February 2005 : DECISION
Priority Date: 27 February 2004 :
Attorney Docket No.: 207,768 :
For: HYARULONIC ACID DERIVATIVE BASED THREE-DIMENSIONAL MATRIX :

This is a decision on applicants' petition under 37 CFR 1.182 to correct the indication of the international application number in the national stage filing, filed in the United States Patent and Trademark Office on 20 August 2008.

BACKGROUND

On 17 August 2006, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The transmittal letter indicated this application was a national phase of PCT/ER2005/050817. Other papers listed international application no. PCT/EP2005/050817.

On 06 August 2008, the Office mailed a Notification indicating the above discrepancy and indicating that a petition under 37 CFR 1.182 was necessary to correct the discrepancy.

On 20 August 2008, applicants filed this petition to correct the international application number indications to PCT/EP2005/050817.

DISCUSSION

Applicants have explained that the paperwork was intended as a national stage entry of PCT/EP2005/050817. The indications will be corrected in the file and the file will be processed as a national stage entry of PCT/EP2005/050817.

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

Patent Application Processing for continued processing consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 17 August 2006.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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06 SEP 2007

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201 SOUTH MAIN STREET
ONE UTAH CENTER
SALT LAKE CITY UT 84111

In re Application of:
KOHL, Paul, et al.
U.S. Application No.: 10/590,264
PCT No.: PCT/US2005/005088
International Filing Date: 16 February 2005
Priority Date: 19 February 2004
Attorney's Docket No.: 36157/1.9
For: MICROSTRUCTURES AND METHODS OF FABRICATION THEREOF

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Request For Filing A Declaration Pursuant To 35 U.S.C. 371(c)(4) Naming An Inventive Entity Different From The Inventive Entity Set Forth In The International Stage Under 37 CFR 1.497(d)" filed 25 June 2007. Applicants have submitted the required processing and extension fees.

BACKGROUND

On 16 February 2005, applicants filed international application PCT/US2005/005088. The international application claimed a priority date of 19 February 2004, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 19 August 2006. The published international application identified a corporate applicant for all states other than the U.S., and four applicant/inventors for the U.S.: Paul KOHL, Christopher W. MOORE, Jun LI, and Justin TULLIS.

On 18 August 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 23 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 oath or declaration acceptable under 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 25 June 2007, applicants filed a response to the Notification Of Missing Requirements (with one-month extension fee) that included the required surcharge payment, a declaration executed by three of the inventors listed on the international application (Paul

KOHL, Christopher W. MOORE, and Jun LI), and the request under 37 CFR 1.497(d) considered herein. The request under 37 CFR 1.497(d) seeks to delete Justin TULLIS as an inventor of record.

DISCUSSION

Where, as here, the filed declaration names an inventive entity different from that set forth in the international application, a grantable request under 37 CFR 1.497(d) is required. Such a request must include: (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 intent; (2) the processing fee; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the consignee (in the form required by 37 CFR 3.73(b), and any new oath or declaration required by 37 CFR 1.497(f).

Applicant here has submitted the required statement from the inventor to be deleted, Justin TULLIS. Item (1) is therefore satisfied.

Applicant has also submitted the required processing fee. Item (2) is therefore satisfied.

Regarding item (3), applicant has not submitted the assent of the assignee to the change of inventorship. No assignment has been recorded herein, but the filing of the international application with a corporate applicant implies that such an assignee may exist. Before item (3) can be considered satisfied, applicant must submit a statement that no such assignee exists, or the written consent of the assignee if one does exist. Any such consent of the assignee must be accompanied by a proper statement under 37 CFR 3.73(b).

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

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).

In addition, the declaration filed 25 June 2007 is not in an acceptable form. Specifically, the declaration appears to be a compilation of three separately executed declarations, and as such is not acceptable under 37 CFR 1.497.[1] See MPEP § 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." Thus, applicants have failed to provide an acceptable oath or declaration in compliance with 37 CFR 1.497.

CONCLUSION

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

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[1] The compilation is evident in that the five-page declaration document consists of one page identified as "Page 1 of 3," one page identified as "Page 2 of 3," and three different copies of the signature page, identified as "Page 3 of 3."

The declaration filed 25 June 2007 is defective for failure to properly identify the inventors of record herein.

In addition, as noted above, the filed declaration also appears to be an unacceptable compilation of multiple declarations.

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 (3) of a grantable request, as discussed above (i.e., the consent of the assignee in the form required by 37 CFR 3.73(b) or a statement that no such assignee exists), as well as copies of the complete declarations executed by each of the inventors listed on the declaration (to resolve the compilation issue).

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.

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

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24 JAN 2008

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ONE UTAH CENTER
SALT LAKE CITY UT 84111

In re Application of:
KOHL, Paul, et al.
U.S. Application No.: 10/590,264
PCT No.: PCT/US2005/005088
International Filing Date: 16 February 2005
Priority Date: 19 February 2004
Attorney's Docket No.: 36157/1.9
For: MICROSTRUCTURES AND METHODS OF FABRICATION THEREOF

DECISION ON RENEWED REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Renewed Request Under 37 CFR 1.497(d)" filed 16 January 2008. Applicants have submitted the required extension fee.

BACKGROUND

In a decision mailed on 06 September 2007, applicants' request to correct inventorship under 37 CFR 1.497(d) was dismissed without prejudice for failure to satisfy all the requirements of a grantable request. Specifically, the filed declaration appeared to be an unacceptable compilation of multiple declarations, and applicants had not provided the consent of the assignee to the requested change of inventorship, as required under 37 CFR 1.497(d)(3).

On 16 January 2008, applicants filed the "Renewed Request Under 37 CFR 1.497(d)" considered herein (with required extension fees).

DISCUSSION

1. Compiled Declaration

The present submission includes copies of complete three-page declarations executed by each of the three signing inventors. The submission of these complete declarations resolves the compilation defect identified in the previous decision.

2. Consent of the Assignee

At the time the present submission was filed, an assignment document identifying the assignee as Georgia Tech Research Corporation was recorded in the USPTO.

The present submission includes a document entitled "Statement of Assignee Consent To File A Declaration Pursuant To 35 U.S.C. 371(c)(4) Naming An Inventive Entity Different From The Inventive Entity Set Forth In The International Application" (hereinafter "Statement of Assignee Consent") which states that Georgia Tech Research Corporation, as designated assignee of the present application, consents to the requested removal of Justin L. Tullis as an inventor of record. The statement is signed by Kevin L. Wozniak, identified as "Director, Office of Technology Licensing."

The materials filed with the present submission do not, however, satisfy the requirements of 37 CFR 1.497(d)(3). As noted in the previous decision, the assignee's consent must be submitted in compliance with 37 CFR 3.73(b) (see MPEP § 201.03(II)(D)). The present submission does not satisfy the requirements of 37 CFR 3.73(b)(1) and (2). Specifically, with respect to 3.73(b)(1), applicants have not provided a statement from the assignee 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 3.73(b)(2), the person signing the Statement of Assignee Consent does not expressly state that he is authorized to act on behalf of the assignee, and his title as "Director" does not provide apparent authority to act on behalf of the assignee. See MPEP § 324(V): "An officer (chief executive officer, president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director."

Because the consent of the assignee has not been submitted in compliance with the requirements of 37 CFR 3.73(b)(1) and (2), on the present record, the Statement of Assignee Consent cannot be accepted in satisfaction of the requirements of 37 CFR 1.497(d)(3). This element of a grantable request under 37 CFR 1.497(d) therefore remains unsatisfied.

CONCLUSION

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

The declaration filed with the present submission on 16 January 2008 is 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 "Second Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy the requirements of 37 CFR 1.497(d)(3) (i.e., the consent of the assignee in the form required by 37 CFR 3.73(b)), as discussed above and in the MPEP.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, 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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14 FEB 2008

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201 SOUTH MAIN STREET
ONE UTAH CENTER
SALT LAKE CITY UT 84111

In re Application of:
KOHL, Paul, et al.
U.S. Application No.: 10/590,264
PCT No.: PCT/US2005/005088
International Filing Date: 16 February 2005
Priority Date: 19 February 2004
Attorney's Docket No.: 36157/1.9
For: MICROSTRUCTURES AND METHODS OF FABRICATION THEREOF

DECISION ON SECOND RENEWED REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Second Renewed Request Under 37 CFR 1.497(d)" filed 11 February 2008. No additional fees are required with respect to this submission.

BACKGROUND

In decisions mailed herein on 06 September 2007 and 24 January 2008, applicants' request to correct inventorship under 37 CFR 1.497(d) was dismissed without prejudice for failure to satisfy all the requirements of a grantable request. Specifically, the most recent decision indicated that applicants had not yet provided the consent of the assignee to the requested change of inventorship in the required form.

On 11 February 2008, applicants filed the "Second Renewed Request Under 37 CFR 1.497(d)" considered herein.

DISCUSSION

The second renewed petition includes a statement of consent to the change of inventorship executed on behalf of the assignee, Georgia Tech Research Corporation, and this consent has been provided in compliance with the requirements of 37 CFR 3.73(b).

Based on the above, applicants have now satisfied the final requirement for a grantable request to correct inventorship under 37 CFR 1.497(d). The deletion of Justin L. TULLIS as an inventor of record pursuant to 37 CFR 1.497(d) is therefore appropriate.

CONCLUSION

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

The inventorship of record herein is corrected to delete inventor Justin L. TULLIS as an inventor of record herein.

Based on the above correction of inventorship, the executed declarations filed 16 January 2008 are now acceptable in compliance with 37 CFR 1.497.

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 16 January 2008.

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

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Ken Gustaaf Helena Verhaegen	: DECISION ON REQUEST FOR
Patent Number	: 7594757	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/590,274	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **247** 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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/18/2010

Applicant : Ken Gustaaf Helena Verhaegen
Patent Number : 7594757
Issue Date : 09/29/2009
Application No: 10/590,274
Filed : 08/22/2006

: 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 **287** 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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MARIANNE FUIERER
MOORE & VAN ALLEN, PLLC
P.O. BOX 13706
RESEARCH TRIANGLE, NC 27709

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SEP 0 4 2008

Applicant: Saltero, et al.
Appl. No.: 10/590,282
International Filing Date: March 24, 2005
Title: METHOD FOR ADMINISTERING MEDICATIONS TO SUBJECTS WITH SWALLOWING DIFFICULTIES AND DISORDERS
Attorney Docket No.: 025333-003.003
Pub. No.: 2007/0196495 A1
Pub. Date: August 23, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on September 20, 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 publication was published with two figures that do not belong in the application and the correspondence address is incorrect.

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 does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to drawings and the correspondence address. The inclusion of two drawings and an improper correspondence address does not affect the public's ability to appreciate the technical disclosure of the patent application publication, 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).

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.

The papers including drawings, which were improperly scanned into this application and published has been removed from the application.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Law Office of Ira S Dorman
Suite 200
330 Roberts Street
East Hartford CT 06108

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MAR 1 8 2009

OFFICE OF PETITIONS

In re Application of :
Paul Anthony Collins :
Application No. 10/590,302 : DECISION ON PETITION
Filed: August 23, 2006 :
Attorney Docket No. HYN-1 :

This is a decision on the petition, filed November 28, 2008, which is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the non-final Office action of May 9, 2008, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before August 9, 2008.

A review of Office records shows a response in the form of an amendment and a three month extension of time was timely filed on November 7, 2008. A certificate of mailing shows a mail date of November 5, 2008.

Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of May 9, 2008 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 3741for appropriate action in the normal course of business on the reply received with petition.

Carl Friedman
Petitions Examiner
Office of Petitions

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IP GROUP OF DLA PIPER US LLP
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

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OFFICE OF PETITIONS

In re Application of :

JOGUET, Pascal et al. :
Application No. 10/590,306 : DECISION ON PETITION
Filed: November 06, 2006 : TO WITHDRAW
Attorney Docket No. **BDM-06-1244** : 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 01, 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.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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JAN 22 2008

OFFICE OF PETITIONS

IP GROUP OF DLA PIPER US LLP
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

In re Application of
JOGUET, Pascal et al.
Application No. 10/590,306
Filed: November 06, 2006
Attorney Docket No. **318216US41PCT**

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 14, 2007 and resubmitted on December 17, 2007.

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

A review of the file record indicates that the power of attorney to IP GROUP OF DLA PIPER US LLP has been revoked by the assignee of the patent application on December 14, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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JAN 15 2010

In re Application of	:	
Kammermeier et al.	:	DECISION ON PETITION
Application No. 10/590,316	:	TO WITHDRAW
Filed: November 28, 2006	:	FROM RECORD
Attorney Docket No. 085449-0201	:	

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 24, 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 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 Michele Simkin on behalf of all attorneys of record who are associated with customer No. 22428.

All attorneys/agents associated with the Customer Number 22428 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is an outstanding Office action mailed November 23, 2009 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

cc: Michele Simkin
Washington Harbour
3000 K Street NW, Suite 600
Washington, D.C. 20007-5109

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NOV 27 2009

OFFICE OF PETITIONS

Studebaker & Brackett, PC
One Fountain Square
11911 Freedom Drive, Suite 750
Reston, VA 20190

In re Patent No. 7,529,381	:	
Issue Date: May 5, 2009	:	
Application No. 10/590,319	:	ON PETITION
Filed: August 23, 2006	:	
Attorney Docket No. 740675-70	:	

This is a decision on the petition filed July 20, 2009, under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

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

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 may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: Studebaker & Brackett, PC
1890 Preston White Drive
Suite 105
Reston, VA 20191

2 8 SEP 2007

\United States Patent and Trademark Office

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of :
TORMO I BLASCO et al. :
Application No.: 10/590,326 :
PCT No.: PCT/EP05/02424 :
Int. Filing Date: 08 March 2005 : DECISION
Priority Date: 10 March 2004 :
Attorney Docket No.: 5000-0193PUS1 :
For: 5,6-Dialkyl-7-Aminotriazolopyrimidines, Their :
Preparation And Their Use For Controlling Harmful :
Fungi, And Compositions Comprising These Comp..:

This is in response to the correspondence filed 20 June 2007, which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

This international application was filed on 08 March 2005, claimed an earliest priority date of 10 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 10 September 2006. On 23 August 2006, applicants filed *inter alia* the basic national fee.

On 20 April 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 a surcharge under 37 CFR 1.492(h).

DISCUSSION

Petitioner states in part that "a Declaration was filed with the application on August 23, 2006... As evidence of Applicant's previous submission of a Declaration..., Applicant encloses a copy of the Transmittal Letter, Declaration and Power of Attorney, filed August 23, 2006, and a copy of the postcard indicating receipt of the Declaration by the U.S.P.T.O." Petitioner has submitted a copy of a return postcard receipt itemizing *inter alia* the declaration and stamped as received by OIPE on 23 August 2006.

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 20 June 2007 is being regarded as a copy of the declaration originally filed on 23 August 2006, 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). Therefore, the Notification of Missing Requirements mailed on 20 April 2007 is hereby **VACATED**.

CONCLUSION

The petition is **GRANTED**.

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 **23 August 2006.**

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,345	08/24/2006	Kunio Gobara	MAT-8895US	5498

52473 7590 08/25/2009

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

EXAMINER
ELLIOTT IV, BENJAMIN H

ART UNIT	PAPER NUMBER
2416	

MAIL DATE	DELIVERY MODE
08/25/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, DC 20231
www.uspto.gov

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AUG 25 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of:
Kunio Gobara et al.
Serial No.: 10/590,345
Filed: August 24, 2006

For: **PROCESSING DEVICE, INFORMATION PORT DETECTING DEVICE, INFORMATION PROCESSING METHOD, PORT DETECTING METHOD, AND PROGRAM**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition under 37 C.F.R. § 1.102, filed August 24, 2006, to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Item VIII: Accelerated Examination.

The petition complies with M.P.E.P. § 708.02, Item VIII: Accelerated Examination, in that it is accompanied by (a) the required petition fee of $130.00, (b) a statement that all claims are directed a single invention or an offer to make an oral election without traverse should the Patent and Trademark Office hold that the claims are not directed to a single invention, (c) a statement that a pre-examination search has been made by the inventor, attorney, agent, or professional searchers, etc., the field of search was also provided, (d) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and (e) a detailed description of the submitted references and discussions pointing out how the claimed subject matter distinguishes over these references.

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

The application file is being forwarded to the examiner for expedited prosecution.

If the examiner can make this application special without prejudice to any possible interfering applications, and he/she should make a rigid search for such, he/she is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

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

Should an appeal be taken in this application or should this application becomes involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400
571-272-3088

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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24 APR 2007

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

In re Application of	:	DECISION ON
MOLLER	:	
Application No.: 10/590,349	:	PETITION UNDER
PCT No.: PCT/DK2005/000118	:	
Int. Filing Date: 22 February 2005	:	37 CFR § 1.47(b)
Priority Date: 23 February 2004	:	
Attorney Docket No.: 55320.002081	:	
For: METHOD FOR MEASURING MASS FLOW OF A MULTI-COMPONENT GAS	:	

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 12 February 2007, which has properly been treated as a petition under 37 CFR 1.47(b).

BACKGROUND

On 22 February 2005, applicant filed international application PCT/DK2005/000118, which designated the US and claimed a priority date of 23 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 01 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 August 2006.

On 23 August 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 and an unexecuted declaration of the inventor.

On 12 February 2007, applicant filed the instant submission which includes a declaration of the inventor apparently signed by someone other than the inventor on behalf of Geopal System A/S. The submission of this declaration has properly been treated as a petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or

declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

The only item attempted to be satisfied is item (4). However, that item has not been met. The name of the person signing is not stated, nor is the title or position of that person stated. See MPEP § 409.03(b), item (A).

Attention is directed to MPEP § 409.03 *et seq.* for a discussion of petitions under 37 CFR 1.47(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

2 5 OCT 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

In re Application of	:	DECISION
MOLLER	:	
Application No.: 10/590,349	:	
PCT No.: PCT/DK2005/000118	:	
Int. Filing Date: 22 February 2005	:	
Priority Date: 23 February 2004	:	
Attorney Docket No.: 55320.002081	:	
For: METHOD FOR MEASURING MASS	:	
FLOW OF A MULTI-COMPONENT GAS	:	

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 25 June 2007.

BACKGROUND

On 22 February 2005, applicant filed international application PCT/DK2005/000118, which designated the US and claimed a priority date of 23 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 01 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 August 2006.

On 23 August 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 and an unexecuted declaration of the inventor.

On 12 February 2007, applicant filed the a submission which included a declaration of the inventor.

On 24 April 2007, a decision was mailed treating the submission filed 12 February 2007 as a petition under 37 CFR 1.47(b) because it appeared that the declaration was signed by someone other than the inventor on behalf of Geopal System A/S. The petition under 37 CFR 1.47(b) was dismissed without prejudice.

On 25 June 2007, applicant filed the instant submission.

DISCUSSION

The instant submission indicates that although the name of the assignee is included on the declaration of the inventor filed 12 February 2007, the declaration was signed by the inventor Christian Moller himself. Since a 37 CFR 1.497 declaration has been executed by the inventor, the petition for status under 37 CFR 1.47(b) 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 declaration of inventors filed 12 February 2007 is 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
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

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JUL 01 2010

OFFICE OF PETITIONS

In re Application of Vidalinc :
Patent No. 7,682,505 :
Issue Date: March 23, 2010 :
Application No. 10/590,362 :
Filed: August 23, 2006 :
Attorney Docket No. 10/590,362 :

DECISION ON APPLICATION
FOR PATENT TERM ADJUSTMENT

This is in response to the "Application for Patent Term Adjustment Pursuant to 37 CFR § 1.705(b)" filed February 1, 2010, requesting the initial determination of patent term adjustment be corrected from three hundred seventy (370) days to three hundred ninety-eight (398) days. The petition requests the correction solely on the basis that the Office will take in excess of three years to issue this patent.

The petition under 37 C.F.R. § 1.705(b) is **dismissed**.

The Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) advising Patentee of a patent term adjustment to date of 370 days on January 15, 2009,

The instant petition was filed February 1, 2010. The petition contends the application is entitled to 28 additional days of patent term adjustment based on the failure of the Office to issue the patent within three years of the filing date of the application.

The Office issued the application as a patent on March 23, 2010. The patent indicates the patent term adjustment is 396 days which includes a 28-day increase under 37 C.F.R. § 1.702(b). The patent term adjustment also includes a 2-day reduction as a result of the issue fee being filed three months and two days after the Office mailed the Notice of Allowance.

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. As a result, a request for reconsideration of Patent Term Adjustment based on time earned pursuant to 37 C.F.R. § 1.702(b) should normally be made by the filing of a petition under 37 C.F.R. § 1.705(d) within two months after the issuance of the patent. However, in view of the issuance of the instant patent on March 23, 2010, the Office will not dismiss the instant petition as premature.

The petition argues the patent term adjustment should include a 28-day increase as a result of the Office's failure to issue the patent within three years of the filing date of the application. The patent term adjustment on the patent includes a 28-day increase adjustment due to the Office's failure to issue the patent within three years of the filing date of the application. Therefore, the arguments in the petition concerning the 28-day period are moot.

Although the Office agrees a 28-day increase to the patent term adjustment is warranted for delay in the issuance of the patent, the Office does not agree the patent term adjustment should be 398 days.

The Office entered a 2-day reduction in patent term adjustment based on the issue fee being filed 3 months and 2 days after the Office mailed the Notice of Allowance. In view of the 2-day reduction, the patent term adjustment is 396 days.

Submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fee is required.

As previously discussed, the patent term adjustment remains 396 days.

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

12 SEP 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH FL 33402-3188

In re Application of:	
ENGLEHARDT, James, D., et al.	DECISION ON PETITION
U.S. Application No.: 10/590,374	UNDER 37 CFR 1.137(b)
Int'l Application No: PCT/US2004/036212	
Int'l Filing Date: 29 October 2004	
Priority Date: 29 October 2003	
Atty Docket No.: 7230-20US	
For: METAL MEDIATED AERATION FOR WATER AND WASTEWATER PURIFICATION	

The petition to revive under 37 CFR 1.137(b) filed 23 August 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" 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 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

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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.
10/590,413	05/31/2007	Toshiharu Tsuchiya	450106-05459	8745

7590 08/31/2009

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

EXAMINER	
DASTOURI, MEHRDAD	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
08/31/2009	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

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

19 AUG 2009

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of:
STRAEHLER, Reto
U.S. Application No.: 10/590,444
PCT No.: PCT/CH2004/000724
International Filing Date: 08 December 2004
Priority Date: 24 March 2004
Atty Docket No.: 129203
For: DEVICE FOR HOLDING THE HEAD OF A TOOTHBRUSH

DECISION

This decision is issued in response to the "Request For Corrected Filing Receipt" filed 08 April 2009, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. No petition fee is required.

BACKGROUND

On 30 May 2007, applicants filed international application PCT/CH2004/000724. The international application claimed a priority date of 24 March 2004, and it designated the United States. On 29 September 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 24 September 2006.

On 24 August 2006, applicant filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 14 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 oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 09 April 2007, applicants filed a response to the Notification Of Missing Requirements that included 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 10 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C.

371 Requirements" as 23 April 2007. Also on 15 April 2009, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 23 April 2007.

On 08 April 2009, applicants filed the "Request For Corrected Filing Receipt" considered herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date.

DISCUSSION

A review of the application file confirms that the executed declaration that completed the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) was originally filed herein on 09 April 2007. The correct 35 U.S.C. 371(c) date for the present application is therefore 09 April 2007, as asserted by applicant in the present submission.

Based on the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 10 July 2007, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 23 April 2007 is appropriately vacated. In addition, the filing receipts mailed herein, which incorrectly identified the 35 U.S.C. 371(c) date as 23 April 2007, are also appropriately vacated.

A corrected Notification Of Acceptance and filing receipt will be issued which properly identify the 35 U.S.C. 371(c) date as 09 April 2007.

CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date is **GRANTED.**

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 10 July 2007, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 23 April 2007, and the subsequently mailed filing receipts (which also incorrectly identified the 35 U.S.C. 371(c) date as 23 April 2007) are hereby **VACATED.**

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 issuance of a corrected Notification of Acceptance (Form PCT /DO/EO/903) and filing receipt which properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 09 April 2007.

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

12 SEP 2006

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PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056

In re Application of CHEN et al :
U.S. Application No.: 10/590,448 :
PCT Application No.: PCT/US04/16715 :
Int. Filing Date: 27 May 2004 :
Priority Date Claimed: 27 May 2003 : DECISION
Attorney Docket No.: 006798 USA :
P02/CPI/COPPER/P JS :
For: METHOD AND APPARATUS FOR :
GENERATING A PRECURSOR FOR A :
SEMICONDUCTOR PROCESSING :
SYSTEM :

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application" filed 24 August 2006.

BACKGROUND

On 27 May 2004, applicant filed international application PCT/US04/16715, which claimed priority of an earlier United States application filed 27 May 2003. The thirty-month period for paying the basic national fee in the United States expired on 27 November 2005.

International application PCT/US04/16715 became abandoned as to the United States for failure to timely pay the basic national fee.

On 24 August 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 Applicants submit that the entire delay in filing in the United States by the PCT national stage deadline and until the filing of this Petition 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 27 May 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 August 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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0 3 FEB 2009

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

In re Application of	
CIRPUS, et al.	
Serial No.: 10/590,457	
PCT No.: PCT/EP05/01863	DECISION ON PETITION
Int. Filing Date: 23 February 2005	
Priority Date: 27 February 2004	UNDER 37 CFR 1.181
Atty Docket No.: 13987-00020-US	
For: METHOD FOR PRODUCING POLY-UNSATURATED FATTY ACIDS IN TRANS-GENIC PLANTS	

This decision is in response to applicant's correspondence and filed 21 May 2007 in the United States Patent and Trademark Office (USPTO). The request is being treated under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 08 September 2006, applicant filed the present request for refund arguing that a preliminary amendment had been filed with the U.S. National stage entry eliminating all multiple dependencies.

DISCUSSION

On 23 February 2005, applicant filed international application PCT/EP05/01863, which claimed priority of an earlier application filed 27 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 September 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 27 August 2006.

On 25 August 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an executed declaration and power of attorney; an English translation of the international application as filed; a preliminary amendment; a computer - readable form of the sequence listing and an Application Data Sheet.

On 14 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 translation of the application into English and processing fee of $130.00. In addition, applicant was advised of the need to provide a payment of $1250.00 for 229 pages in

excess of 250 pages. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 02 April 2007, applicant was mailed an additional Form PCT/DO/EO/905 advising applicant of the need to provide payment of a processing fee of $130.00 for providing an English translation of the international application later than 30 months from the priority date and to provide a payment of $1250.00 for 229 pages in excess of 250 pages. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees. The form was accompanied by a withdrawal of the Form PCT/DO/EO/905 mailed 14 March 2007.

On 21 May 2007, applicant filed the present petition under 37 CFR 1.181 arguing that an English translation of the international application as filed was timely provided on 25 August 2006 and therefore payment of the $130.00 surcharge was not necessary. In addition, applicant argued that applicant had filed a preliminary amendment on 25 August 2006 requesting the deletion of the paper copy of the Sequence Listing from the international application and replacement with Sequence Listing submitted on compact disc only.

DISCUSSION

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. (See MPEP 503). An examination of the petition finds that applicant has provided a copy of the date-stamped postcard receipt, as well as, a complete copy of the prior filing and a statement that the copy currently provided is a copy of the papers filed on 25 August 2006. The postcard identifies the application by serial number, title, applicant and attorney docket number. Among the items listed on the receipt is: "English language translation of the International Application" The receipt is stamped "IAP15 Rec'd PCT/PTO 25 AUG 2007." The postcard has not been annotated in any way to indicate that any of the listed items were not received. Thus, it is clear that applicant filed an English translation of the international application on 25 August 2006; within thirty months from the earliest claimed priority date. Thus, it is proper to grant applicant's petition to not have to pay the $130.00 surcharge for untimely filing of an English translation of the international application.

Regarding the charging of $1250.00 for 229 pages in excess of 250 pages, applicant is advised that the filing date of this application is the international filing date. The international application contained a paper copy of the sequence listing and was published with said paper version. Applicant is advised that an applicant is not allowed to amend the specification after the filing date. As such, applicant's preliminary amendment of 25 August 2006 to delete the paper copy of the Sequence Listing from the international application and replacement with Sequence Listing submitted on compact disc only is untimely. (See Manual of Patent Examining Procedure section 714.01(e)). In addition, it is noted that MPEP 1.825(a) provides that:

Any amendment to a paper copy of the "Sequence Listing" (§ 1.821(c)) must be made by the submission of substitute sheets and include a statement that the substitute sheets include no new matter. Any amendment to a compact disc copy of the "Sequence Listing" (§ 1.821(c)) must be made by the submission of a replacement compact disc (2 copies) in compliance with § 1.52(e). Amendments must also be accompanied by a statement that indicates support for the amendment in the application, as filed, and a statement that the replacement compact disc includes no new matter.

As such, there is no provision for amending a paper copy of a sequence listing filed in the international application with a computer readable version upon the entry of the National stage in the United States.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **DISMISSED** as to the need to provide payment of $1250.00 for 229 pages in excess of 250 pages. The petition is **GRANTED** as to the timeliness of the filing of the English translation of the international application.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for the preparation and mailing of a "Notification of Defective Response" (Form PCT/DO/EO/916) indicating that applicant is required to provide payment of $1250.00 for 229 pages in excess of 250 pages.

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

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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	: Frank Oliver Heinrich Pirrung	: DECISION ON REQUEST FOR
Patent Number	: 7595416	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/590,467	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/15/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **384** 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 : 4/2010

TO SPE OF : ART UNIT 1793 (1700)

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/590,472 Patent No.: 7,666,248

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

Ernest C. White, LIE
Randolph Sq. Ste 9D62A
703-756-1590

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.

_____

_____

_____

SPE Roy Van Cing **ART UNIT** 1793

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/2010

TO SPE OF : ART UNIT 1793 (1700)

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/590,472 Patent No.: 7,666,248

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

Ernest C. White, LIE
Randolph Sq. Ste 9D62A
703-756-1590

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.

_____

_____

_____

SPE_____ **ART UNIT** _____

11 JAN 2008

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22428
FOLEY & LARDNER
3000 K Street NW, Suite 3800
Washington, D.C. 20007

In re Application of :
Bargain *et al* :
U.S. Application No.: 10/590,485 :
PCT No.: PCT/US2005/005597 :
Int. Filing Date: 24 February 2003 : **DECISION**
Priority Date: 25 February 2004 :
Attorney Docket No.: 049411-0340 :
For: DETECTION OF RESONATOR :
MOTION USING PIEZORESISTIVE :
SIGNAL DOWNMIXING :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 26 November 2007.

BACKGROUND

On 24 April 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to respond with extensions of time available.

On 26 November 2007, applicants filed a response which was accompanied by, *inter alia*, the subject petition, a declaration signed by seven of the eight named inventors; copies of emails and a cover letter dated 16 November 2007; a statement of facts; a five-month extension and fee; and the petition fee of $200.00.

DISCUSSION

Applicants claim that co-inventor, Darron K. Young, cannot be located after a diligent effort and have filed the subject petition in response to the Form PCT/DO/EO/905 mailed 24 April 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.

Concerning item (1), the petition fee of $200.00 has been paid. With regards to

item (3), the last known address of the nonsigning co-inventor is listed as:

430 Gerona Avenue
San Gabriele, CA 91775
Cambridge, MA 02139

Regarding item (2), applicants' burden in showing that an inventor cannot be located is explained in section 409.03(d) of the MPEP which states, in part:

> Where inability to find or reach a nonsigning inventor 'after diligent effort' is the reason for filing under 37 CFR 1.47, an affidavit or declaration of the facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made . . .
>
> The 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 statement of facts detailing the steps taken to locate the whereabouts of the nonsigning inventor signed by Leon Radomsky. Petitioners also submitted documentary evidence in the form of copies of several emails and a letter dated 16 November 2007 sent to the last known address of the nonsigning inventor.

However, petitioners have not submitted evidence showing that any attempt was made to locate Mr. Young using the internet and telephone directory to search for his address and/or telephone number. These efforts are not extraordinary and are required to meet the 'diligent effort' standard needed to satisfy item (2) above. Documentary evidence of these searches should be provided in any renewed petition.

Concerning item (4), the 37 CFR 1.47(a) applicant submitted a declaration signed by seven of the eight co-inventors on behalf of themselves and the nonsigning joint inventor. The residence, citizenship and mailing address of all eight inventors are recorded on the declaration. However, the declaration signed by Jessica Arlett contains a non-initialed, non-dated alteration on the declaration. A new declaration executed by Ms. Arlett is required. *See* 37 CFR 1.52(c)(1).

For these reasons, items (2) and (4) of 37 CFR 1.47(a) are 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. No additional petition fee is required.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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29 FEB 2008

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FOLEY & LARDNER
3000 K Street NW, Suite 3800
Washington, D.C. 20007

In re Application of :
Bargain *et al* :
U.S. Application No.: 10/590,485 :
PCT No.: PCT/US2005/005597 :
Int. Filing Date: 24 February 2003 : **DECISION**
Priority Date: 25 February 2004 :
Attorney Docket No.: 049411-0340 :
For: DETECTION OF RESONATOR :
MOTION USING PIEZORESISTIVE :
SIGNAL DOWNMIXING :

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 18 January 2008.

BACKGROUND

On 11 January 2008, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 18 January 2008, applicants filed the subject response which was accompanied by, *inter alia*, a declaration of Karen Walker and documentary evidence of internet/telephone searches and a copy of a postal receipt.

DISCUSSION

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) were not satisfied in the initial petition filed 26 November 2007.

Regarding item (2), petitioners did not provide evidence showing that an attempt was made to locate Mr. Young using the internet and telephone directory to search for his address and/or telephone number.

In the renewed petition applicants have provided sufficient evidence that a search was conducted to locate the nonsigning inventor to no avail. Applicants also provided a copy of a postal receipt for documents previously filed on 16 November 2007 and discussed in the initial petition filed 26 November 2007.

A review of the postal receipt for the documents mailed 16 November 2007 is inconclusive whether Mr. Young received these documents. Nonetheless, a copy of the subject application as filed was included with the 16 November 2007 correspondence along with a copy of the declaration and assignment.

If Mr. Young received this correspondence, the lack of reply would constitute a refusal as outlined in section 409.03(d) of the MPEP. If Mr. Young was not the person receiving these documents, petitioners have met the requirements to satisfy the 'diligent effort' requirement of section 409.03(d) of the MPEP where an inventor cannot be located.

Item (2) of 37 CFR 1.47(a) is now satisfied.

Concerning item (4), the declaration filed in the initial petition was not accepted because a non-initialed, non-dated alteration was on the declaration signed by co-inventor Jessica Arlett. Applicants were requested to provide a new declaration executed by Ms. Arlett.

In the renewed petition, applicants argue that "Ms. Arlett made the alteration to the Declaration, correcting her residence to South Pasedena, California, and then **signed** and dated the Declaration in the spaces provided immediately below." As such, the requirement for an alteration to be signed on the same sheet of paper has been met pursuant to 37 CFR 1.52(c)(1). This argument is rejected.

The Office will not consider whether applicants made the changes in the declaration before signing the declaration, if the changes are not initialed. A new declaration is required.

As stated in section 605.04(a) of the MPEP:

> Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. **The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.**

For this reason, item (4) of 37 CFR 1.47(a) is still not satisfied.

CONCLUSION

For the reason discussed above, applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. 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.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

09 MAY 2008

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In re Application of :
Bargain *et al* :
U.S. Application No.: 10/590,485 :
PCT No.: PCT/US2005/005597 :
Int. Filing Date: 24 February 2003 : **DECISION**
Priority Date: 25 February 2004 :
Attorney Docket No.: 049411-0340 :
For: DETECTION OF RESONATOR :
MOTION USING PIEZORESISTIVE :
SIGNAL DOWNMIXING :

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 02 April 2008.

BACKGROUND

On 29 February 2008, a decision dismissing applicants' renewed petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 02 April 2008, applicants filed a renewed petition which contained a declaration executed by one of the eight named inventors.

DISCUSSION

Applicants' renewed petition under 37 CFR 1.47(a) filed 18 January 2008 was dismissed for failing to provide an acceptable declaration. The declaration contained a non-initialed alteration. In response, the 37 CFR 1.47(a) applicants submitted another declaration executed by one of the eight named inventors.

A review of the new declaration shows that it contains an alteration on the residence of a joint inventor, Jessica Arlett. This change was initialed by the inventor. This declaration meets the requirements of section 409.03(a) of the MPEP and is in compliance with 37 CFR 1.497(a) and (b).

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 24 February 2003 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 02 April 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

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OCT 24 2006

TECHNOLOGY CENTER 3600

SNELL & WILMER LLP
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

In re application of : **DECISION ON PETITION**
Nilesh C. Patel : **TO MAKE SPECIAL**
Application No. 10/590,515 : **(ACCELERATED**
Filed: August 24, 2006 : **EXAMINATION)**
For: FLUID COUPLING ASSEMBLY WITH INTEGRAL RETENTION MECHANISM

This is in response to the petition filed on August 24, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

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

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

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

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

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(571) 272-6587

KJD/slb: 10/12/06

0 1 MAY 2007

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John C. Gatz
Bayer Healthcare, LLC
555 White Plains Road
Tarrytown, NY 10591

In re Application of:	:	
KURIGER et al, Rex		
Application No.: 10/590,531	:	DECISION
PCT Application No.: PCT/US05/003621	:	
Int. Filing Date: 04 February 2005	:	UNDER
Priority Date: 06 February 2004	:	
Atty Docket No.: 47082-090USPX	:	
For: METHOD AND APPARATUS FOR MEASURING AN ANALYTE IN A BODY FLUID	:	37 CFR 1.137(b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R 1.137(b) " filed 24 August 2006, which has been treated as a petition under 37 C.F.R. 1.137(b).

BACKGROUND

On 04 February 2005, applicant filed international application PCT/US2005/003621, which designated the U.S. and claimed priority date of 06 February 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 August 2006. Accordingly, PCT/ US2005/003621 became abandoned as to the United States of America at midnight of 06 August 2006 for failure to timely pay the Basic National Fee.

On 24 August 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, an English translation and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), applicant has provided the required petition fee.

Regarding 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 noted above, petition to revive under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

Bena Miller
Detailee PCT Legal Examiner
Office of PCT Legal Administration

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

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LAWRENCE C. EDELMAN
3 BUFFALO RUN
E. BRUNSWICK, NJ 08816-4003

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OFFICE OF PETITIONS

In re Application of	:	
Weinstein	:	
Application No. 10/590,532	:	DECISION ON PETITION
Filed:	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 6MW01P/US	:	37 CFR 1.102(d)
	:	

This is a decision on the petition under 37 CFR 1.102(d), filed August 24, 2006, to make the above-identified application special based on prospective manufacture as set forth in M.P.E.P. § 708.02, Section I.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(d), MPEP § 708.02, Section I: Manufacture, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the Office alleging:

> (A) The possession by the prospective manufacturer of sufficient presently available capital (stating approximately the amount) and facilities (stating briefly the nature thereof) to manufacture the invention in quantity or that sufficient capital and facilities will be made available if a patent is granted; If the prospective manufacturer is an individual, there must be a corroborating statement from some responsible party, as for example, an officer of a bank, showing that said individual has the required available capital to manufacture;
>
> (B) That the prospective manufacturer will not manufacture, or will not increase present manufacture, unless certain that the patent will be granted;
>
> (C) That the prospective manufacturer obligates himself, herself or itself, to manufacture the invention, in the United States or its possessions, in quantity immediately upon the allowance of claims or issuance of a patent which will protect the investment of capital and facilities; and

(D) That the applicant or assignee has made or caused to be made a careful and thorough search of the prior art, or has a good knowledge of the pertinent prior art.

Additionally, Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition is signed by Lawrence C. Edelman, attorney or record, and complies with the above stated requirements. 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 2835 for action on the merits commensurate with this decision.

Amelia Au
Petitions Examiner
Office of Petitions

02 OCT 2006

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BAYER HEALTHCARE, LLC
1884 MILES AVENUE
P.O. BOX 70
ELKHART IN 46515-0070

In re Application of D. GLENN PURCELL
Application No.: 10/590,533
PCT No.: PCT/US05/03623
Int. Filing: 04 February 2005
Priority Date: 06 February 2004
Attorney Docket No.: 47082-155USPX
For: DAMPENING AND RETRACTION MECHANISM FOR A LANCING DEVICE

DECISION ON

PETITION UNDER

37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 24 August 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 a grantable petition pursuant to 37 CFR 1.137(b)(3) is unintentional" meets the requirements 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 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

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April 29, 2009

Kathleen A. Tyrrell
Licata & Tyrrell P.C.
66 East Main Street
Marlton, NJ 08053

Patent No.: 7,517,999 B2
Application No.: 10/590549
Inventor(s): Hiroyuki Ohno, *et al.*
Issued: April 14, 2009
Title: **IMIDAZOLIUM COMPOUND**

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
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(703) 756-1591

vt

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Licata & Tyrrell
66 East Main Street
Marlton NJ 08053

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OFFICE OF PETITIONS

In re Patent No. 7,517,999 :
Issue Date: April 14, 2009 :
Application 10/590,549 : ON PETITION
Filed: August 23, 2006 :
Attorney Docket No. KUZ0034US.NP :

This is a decision on the petition, filed, May 4, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is "Kanto Kagaku Kabushiki Kaisha, Tokyo (JP) and Hiroyuki Ohno, Tokyo (JP)" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

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

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

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

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "Kanto Kagaku Kabushiki Kaisha, Tokyo (JP) and Hiroyuki Ohno, Tokyo (JP)" is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Telephone inquiries concerning this decision may be directed to the 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.

As authorized, the $130 fee for the petition under 37 CFR 3.81(b) has been assessed to petitioner's deposit account.

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.

JoAnne Burke
Petitions Examiner
Office of Petitions

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22 SEP 2009

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THOMSON LICENSING LLC
P.O. BOX 5312
TWO INDEPENDENCE WAY
PRINCETON, NJ 08543-5312
UNITED STATES

In re Application of: KOCHALE, Axel	:	DECISION
Application No.: 10/590,555	:	
PCT Application No.: PCT/EP05/02070	:	ON PETITION
Int. Filing Date: 26 February 2005	:	
Priority Date: 09 March 2004	:	UNDER
Attorney Docket No.: PD040028	:	
For: ARRANGEMENT FOR ADAPTIVE BIT RECOVERY		37 CFR 1.137(b)

Applicant's "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 27 August 2009 is **GRANTED**.

BACKGROUND

On 26 February 2005, applicant filed international application PCT/EP05/02070. This international application claims a priority date from EPO 04005528.7 of 09 March 2004 and designates the United States. The deadline for entry into the United States National Stage was thirty months from this priority date, that is 09 September 2006. On 24 August 2006, applicant filed national stage papers in the United States Designated/ Elected Office (DO/EO/US) including the requisite basic national fee. On 25 May 2007, the DO/EO/US mailed a Notification of Missing Requirements (Form PCT/DO/EO/905). On 03 March 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

On 27 August 2009, applicant filed the instant petition for revival under 37 CFR 1.137(b).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b)

must be accompanied by (1) a proper reply, (2) 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) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

The submission of the executed declarations satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). Applicant's statement in the petition 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" satisfies the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

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

The application has an international filing date of 26 February 2005 under 35 U.S.C. 363 and a date of **27 August 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Bryan Lin
PCT Legal Administration

Patrick Connolly
Detailee
Telephone: (571) 272-2412

29 MAY 2008

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FLETCHER YODER (CAMERON INTERNATIONAL CORPORATION)
P.O. BOX 1212
HOUSTON TX 77251

In re Application of DONALD et al.	
Application No.: 10/590,563	DECISION ON PETITION
PCT No.: PCT/GB05/00725	
Int. Filing: 25 February 2005	UNDER 37 CFR 1.47(a)
Priority Date: 26 February 2004	
Attorney Docket No.: CMRN:0051/SWA OTE-031085	
For: CONNECTION SYSTEM FOR SUBSEA FLOW INTERFACE EQUIPMENT	

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 13 December 2007, to accept the application without the signatures of joint inventors ALAN CRAWFORD AND PAUL W. WHITE. Applicant's request for a five month extension of time is granted.

BACKGROUND

On 24 August 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 14 May 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 13 December 2007, applicant filed the instant petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventors. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requests the acceptance of the application without the signatures of inventors ALAN CRAWFORD AND PAUL W. WHITE, alleging that Messrs. CRAWFORD and WHITE refuse 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).

The petition included the requisite petition fee, satisfying Item (1). Item (3) is satisfied because the last known address of non-signing inventor was provided. With regard to item (4), the declaration executed by the available joint inventors on their behalf and on behalf of the non-signing inventors were submitted. Item (4) is satisfied.

Inventor's Refusal to Sign

With respect to Item (2) above, the declaration by John Reid, joint inventor and employee for DES Enhanced Recovery Limited., was attached to the petition, detailing the efforts made to obtain the nonsigning inventors' signatures. Mr. Reid detailed his attempts to contact the nonsigning inventors via their attorney. According to Mr. Reid's declaration, on 21 August 2006, he sent Mark Barnett, the attorney for the nonsigning inventors, a letter requesting the signatures of inventors Crawford and White on the following documents: "US assignment document, Canadian Assignment document and Power of attorney document". The 21 August 2006 letter makes no mention that a copy of the application including specification, claims (and drawings if any) and declaration was enclosed. On 16 November 2006, Mr. Reid telephoned Mr. Barnett regarding the non-signing inventors' signatures on the documents. According to Mr. Reid, attorney Barnett confirmed that "he had read PCT/2005/000725 and that he was unwilling to authorize either Alan Crawford or Paul White to sign either the Declaration/Power of Attorney or the Assignments, and therefore refused to authorize the inventors to sign the papers".

On the same date, in an email communication, the nonsigning inventors' attorney Barnett reiterated that "after careful consideration of the request and a review of the documents to which these assignments would apply, I am *unwilling to authorize them to sign the assignments* for the reasons I provided on our telephone call today." (Emphasis added.) This is not evidence that the non-signing inventors refused to sign the *declarations* relating to this application. No mention of an unwillingness to authorize the inventors signatures on the declarations was made by Mr. Barnett.

The fact that the attorney was unwilling to authorize the inventors to sign the assignment documents cannot be construed as a refusal to sign the declaration. Petitioner has not provided proof as set forth in Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal. [1] Petitioner has not provided evidence that a complete copy of the application papers was presented to the non-signing inventors and their refusal to sign the application. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

---

[1] 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.)

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

UNITED STATES PATENT AND TRADEMARK OFFICE

25 SEP 2008

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FLETCHER YODER (CAMERON INTERNATIONAL CORPORATION)
P.O. BOX 1212
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In re Application of DONALD et al.	:
Application No.: 10/590,563	: DECISION ON PETITION
PCT No.: PCT/GB05/00725	:
Int. Filing: 25 February 2005	: UNDER 37 CFR 1.47(a)
Priority Date: 26 February 2004	:
Attorney Docket No.: CMRN:0051/SWA OTE-031085	:
For: CONNECTION SYSTEM FOR SUBSEA FLOW INTERFACE EQUIPMENT	:

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 29 July 2008, to accept the application without the signatures of joint inventors ALAN CRAWFORD AND PAUL W. WHITE.

BACKGROUND

On 24 August 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 14 May 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 13 December 2007, applicant filed a petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventors. 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 signatures of inventors ALAN CRAWFORD AND PAUL W. WHITE, alleging that Messrs. CRAWFORD and WHITE refuse to sign the application.

On 29 May 2008, a decision dismissing the petition was mailed to applicant. On 29 July 2008, the instant "Response to the Notification of Missing Requirements and Petition under 37 CFR 1.47(a)" was 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 non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1), (3) and (4). Applicant requests our reconsideration of the statement of facts and appendixes filed in this application on 13 December 2007. A closer review of the declaration by John Reid, joint inventor and employee for DES Enhanced Recovery Limited., and the attached exhibits satisfies the intent of Item (2) above. 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 13 December 2007. The application has an international filing date of 25 February 2005 under 35 U.S.C. 363, and a date of 13 December 2007 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
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

25 SEP 2008

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

ALAN CRAWFORD
168C HUTCHEON STREET
ABERDEEN
UNITED KINGDOM

In re Application of DONALD et al.	
Application No.: 10/590,563	DECISION ON PETITION
PCT No.: PCT/GB05/00725	
Int. Filing: 25 February 2005	UNDER 37 CFR 1.47(a)
Priority Date: 26 February 2004	
Attorney Docket No.: CMRN:0051/SWA OTE-031085	
For: CONNECTION SYSTEM FOR SUBSEA FLOW INTERFACE EQUIPMENT	

Dear Mr. Crawford:

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

FLETCHER YODER (CAMERON INTERNATIONAL CORPORATION)
P.O. BOX 1212
HOUSTON TX 77251

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25 SEP 2008

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PAUL W. WHITE
38 CAIRDS WYND
ABOTTS WOOD
BANCHORY, AB31
5UX UNITED KINGDOM

In re Application of DONALD et al.	
Application No.: 10/590,563	DECISION ON PETITION
PCT No.: PCT/GB05/00725	
Int. Filing: 25 February 2005	UNDER 37 CFR 1.47(a)
Priority Date: 26 February 2004	
Attorney Docket No.: CMRN:0051/SWA OTE-031085	
For: CONNECTION SYSTEM FOR SUBSEA FLOW INTERFACE EQUIPMENT	

Dear Mr. White:

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

FLETCHER YODER (CAMERON INTERNATIONAL CORPORATION)
P.O. BOX 1212
HOUSTON TX 77251

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

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APR 06 2009

OFFICE OF PETITIONS

In re Application of :
Dirk Salmon :
Application No. 10/590,564 : NOTICE
Filed: May 7, 2007 :
Attorney Docket No. :
H0075.70115US00

This is in response to the paper filed July 9, 2008 under 37 CFR 1.27(c) seeking status as a small entity.

The statement claiming small entity status of July 9, 2008, has been made of record and small entity status has been accorded.

Fees are to paid at the current rate at the time of the notice. Accordingly, effective September 30, 2007, the fees had increased and the overpayment amount is $500.00 not $515.00. Therefore, the amount of $500.00 will be credited to petitioner deposit account as authorized in the instant petition.

Inquiries related to this communication should be directed to JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

16 NOV 2009

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

In re Application of :
CADEE et al. :
Application No.:10/590,591 : DECISION ON
PCT No.: PCT/EP2004/001849 :
Int. Filing Date: 24 February 2004 : PETITION
Attorney Docket No.: 0470-062554 :
For: ANTIMICROBRIAL LACTOFERRIN : UNDER 37 CFR 1.182
COMPOSITIONS FOR SURFACES, :
CAVITIES, AND FOODSTUFF

This decision is in response to applicants' "PETITION TO CORRECT PRIORITY DATA AND FILING RECEIPT" filed 27 May 2009 requesting a correction of the Domestic Data Priority to refer to "PCT/EP2004/001849", which has been properly treated as a petition under 37 CFR 1.182. The deficiency in the requisite $400.00 petition fee will be charged to Deposit Account No. 23-0650.

BACKGROUND

On 24 August 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).

On 03 September 2008, applicants filed an oath as required by 35 U.S.C. 371(c)(4).

On 27 May 2009, applicants filed the instant petition under 37 CFR 1.182.

DISCUSSION

The submission filed 24 August 2006 included a Transmittal Letter. The international application number listed was "PCT/NL2004/001849". The cover sheet for the copy of the published International Application and the copy of the International Search Report filed the same day indicate the international application number as "PCT/EP2004/001849".

A review of the application file including applicant's statements in the instant submission reveals that the indication of international application PCT/NL2004/001849 was incorrect, and that the present

application should in fact be the national stage application of international application PCT/EP2004/001849. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons set forth above, the applicants' petition under 37 CFR 1.182 **GRANTED.**

The NOTICE OF ACCEPTANCE and the FILING RECEIPT mailed 15 September 2008 are hereby VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for: (1) correcting PALM to indicate that the above-identified application is the national stage entry of PCT/EP2004/001849 rather than PCT/NL2004/001849; and (2) mailing a new NOTICE OF ACCEPTANCE OF THE APPLICATION UNDER 35 U.S.C. 371 and Filing Receipt indicating the international application as PCT/EP2004/001849.

Bryan Lin

Patrick Connolly
Detailee
PCT Legal Administration

Bryan Lin
PCT Legal Examiner
PCT Legal Administration

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

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JAN 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Rowser et al	:	
Application No. 10/590,604	:	DECISION ON PETITION
Filed:	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 413528009US1	:	37 CFR 1.102(d)
	:	

This is a decision on the petition under 37 CFR §1.102(d), filed August 24, 2006, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. 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 2821 for action on the merits commensurate with this decision.

Denise Pother
Petitions Examiner
Office of Petitions

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15 AUG 2007

DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

In re Application of:
WALDEN, Richard, et al.
U.S. Application No.: 10/590,614
PCT No.: PCT/GB2005/000761
International Filing Date: 28 February 2005
Priority Date: 26 February 2004
Atty Docket No.: ROCKCO P71AUS
For: IMPROVED CAN PROCESSING

DECISION ON PETITION
(37 CFR 1.181)

This decision is issued in response to the "Response To Notice To File Missing Parts Of Application – Filing Date Granted" filed 13 March 2007, and the supplemental materials filed by facsimile on 14 August 2007, treated herein as a petition under 37 CFR 1.181 to confirm the previous filing of a fully executed declaration. No petition fee is required.

BACKGROUND

On 28 February 2005, applicants filed international application PCT/GB2005/000761. The international application claimed a priority date of 26 February 2004, and it designated the United States. On 09 September 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., 26 August 2006.

On 25 August 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 an unsigned declaration.

On 09 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 was required. The Notification indicated that the previously filed declaration was not acceptable because it was not executed in accordance with 37 CFR 1.66 or 1.68.

On 13 March 2007, applicants filed the correspondence considered herein as a petition under 37 CFR 1.181. The correspondence asserts that the outstanding informalities were previously addressed in a submission filed on 26 September 2006, and it states that copies of such materials are attached. Attached to the correspondence are copies of: (1) the Notification Of Missing Requirements received by applicants; (2) a Form PTO-1390 Transmittal Letter which indicates that it was accompanied by an oath or declaration and a surcharge payment and which

bears a "Certification Under 37 CFR 1.10" dated 26 September 2006; and (3) a sheet corresponding to the first page of the previously filed "Combined Declaration And Power Of Attorney."

On 14 August 2007, applicants filed supplemental materials including a complete copy of the materials filed 26 September 2006 (with the full three-page executed declaration) and a copy of a return postcard itemizing these materials and bearing a USPTO receipt stamp dated 26 September 2006.

DISCUSSION

Based on the statements in the present petition and the itemized return postcard bearing the USPTO receipt stamp, it is concluded that materials accompanying the present petition (including the executed declaration) were originally filed herein on 26 September 2006.

The declaration satisfies the requirements of 37 CFR 1.497.

The Notification of Missing Requirements mailed 09 March 2007, based as it was on applicants' purported failure to previously file an executed declaration, is appropriately vacated.

CONCLUSION

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

The declaration accompanying the present petition will be treated as having been filed on 26 September 2006.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 09 March 2007 is hereby **VACATED**.

This application is being returned to the National Stage Processing Branch of the International Division for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 26 September 2006.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

07 AUG 2007

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CHERSKOV & FLAYNIK
THE CIVIC OPERA BUILDING
20 NORTH WACKER DRIVE, SUITE 1447
CHICAGO IL 60606

In re Application of	:	
Howitt	:	DECISION ON
Application No.: 10/590,616	:	
Int. App. No.: PCT/GB05/00142	:	PETITION UNDER
Int. Filing Date: 17 January 2005	:	
Priority Date: 24 February 2004	:	37 CFR 1.137(a)
Docket No.: 0078-01889	:	&
For: Emergency Evacuation Apparatus For A Bed-Ridden Person	:	37 CFR 1.137(b)

This is in response to the petition to revive filed on 08 May 2007.

BACKGROUND

This international application was filed on 17 January 2005, claimed an earlier priority date of 24 February 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 09 September 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 24 August 2006. This international application became abandoned with respect to the national stage for failure to timely pay the basic national fee, pursuant to 35 U.S.C. 371(d), as of midnight on 24 August 2006.

DISCUSSION

Petition Under 37 CFR 1.137(a)

Petitioner argues that the delay in filing the basic national fee in this application was unavoidable. 37 CFR 1.137(a) provides that

> If the delay in reply by applicant or patent owner was unavoidable, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination proceeding terminated under §§ 1.550(d) or 1.957(b) or (c), or a lapsed patent. A grantable petition pursuant to this paragraph must be accompanied by:
>
> (1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in § 1.17(l);

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

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Regarding requirement (1), petitioner filed the basic national fee on 08 May 2007.

Regarding requirement (2), petitioner filed the petition fee on 08 May 2007.

Regarding requirement (3), petitioner argues in part that

Failure to pay resulted from the non-receipt of a notice to file missing parts. The attorney of record, on August 24, 2006 timely filed an application ti initiate national proceedings pursuant to 35 U.S.C. 371. The application contained all required elements, except for a signed declaration and a fee check. Consequently, the attorney of record expected to receive a notice of missing parts which would allow the applicant to submit both documents. However, according to Private PAIR, no notice to file missing parts had been sent from the USPTO.

Concerned about the status of the application, the attorney of record sent a Status Inquiry on January 19, 2007 (confirmation enclosed). Rather than receiving a response to the Status Inquiry, the attorney of record received the Notice of Abandonment. Up to this time, it was impossible to verify the status of the application as access to it via Private PAIR had not been granted even though the original documents correctly identified the office of the attorney of record who has a Private PAIR account. Had the Patent Office sent a Notice of Missing Parts or had counsel been granted Private PAIR access, the abandonment would have been avoided.

Petitioner's attention is drawn to 35 U.S.C. 371(d), which provides that

The requirement with respect to the national fee referred to in subsection (c)(1), the translation referred to in subsection (c)(2), and the oath or declaration referred to in subsection (c)(4) of this section shall be complied with by the date of the commencement of the national stage or by such later time as may be fixed by the Director. The copy of the international application referred to in subsection (c)(2) shall be submitted by the date of the commencement of the national stage. Failure

to comply with these requirements shall be regarded as abandonment of the application by the parties thereof, unless it be shown to the satisfaction of the Director that such failure to comply was unavoidable.

Attention is also drawn to 37 CFR 1.495(b)(2), which states that

(b) To avoid abandonment of the application, the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of thirty months from the priority date:

(2) The basic national fee (see § 1.492(a)).

The basic national fee was due no later than midnight on 24 August 2006. This time period was not subject to extension, nor was the abandonment of the application caused by the mailing or non-mailing of a Notification of Missing Requirements. Instead, the abandonment of this application could have been avoided through the exercise of ordinary diligence. For instance, in view of 35 U.S.C. 371(d) and 37 CFR 1.495(b)(2), petitioner could have included the basic national fee along with the correspondence filed on 24 August 2006. As petitioner has not shown why failure to do so was unavoidable within the meaning of 37 CFR 1.137(a), it would not be appropriate to grant the requested relief at this time.

With regard to requirement (4), no terminal disclaimer is required.

Petition Under 37 CFR 1.137(b)

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

Regarding requirement (1), the "required reply" in the form of the basic national fee has been paid.

Regarding requirement (2), the petition includes authorization to charge the $750.00 petition fee to counsel's Deposit Account No. 50-1709.

Regarding requirement (3), the petition includes a statement that "the abandonment was

unintentional." This is being construed as 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." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement is not correct. Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

Regarding requirement (4), no terminal disclaimer is required.

DECISION

The petition under 37 CFR 1.137(a) is **DISMISSED**, without prejudice.

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

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 **08 May 2007** (i.e., the date the basic national fee was paid).

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of :
JENSEN, Gert Bolander et al. :
Application No. 10/590,630 :
Filed: November 16, 2007 :
Attorney Docket No. **14455.946US01** :

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 30, 2008.

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

A review of the file record indicates that the power of attorney to Knobbe Martens Olson & Bear LLP has been revoked by the assignee of the patent application on December 22, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **BERENBAUM, WEINSHIENK & EASON, P.C**
370 17TH STREET
SUITE 4800
DENVER CO 80202

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2040 MAIN STREET
FOURTEENTH FLOOR
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OFFICE OF PETITIONS

In re Application of	:	
Gert Bolander JENSEN, et al	:	
Application No. 10/590,632	:	DECISION ON PETITION
Filed: November 16, 2007	:	TO WITHDRAW
Attorney Docket No. 14455.945US01	:	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 30, 2008.

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

A review of the file record indicates that the power of attorney to Knobbe, Martens, Olson & Bear LLP, has been revoked by the assignee of the patent application on December 22, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ZBM PATENTS – ZEA,
BARLOCCI & MARKVARDSEN
BALMES 114
BARCELONA, 4-08008, ES

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Alexandria, VA 22313-1450
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2040 MAIN STREET
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IRVINE, CA 92614

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MAR 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Gert Bolander JENSEN, et al	:	CORRECTED
Application No. 10/590,632	:	DECISION ON PETITION
Filed: November 16, 2007	:	TO WITHDRAW
Attorney Docket No. 14455.945US01	:	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 30, 2008.

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

A review of the file record indicates that the power of attorney to Knobbe, Martens, Olson & Bear LLP, has been revoked by the assignee of the patent application on December 22, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ZBM PATENTS – ZEA,
BARLOCCI & MARKVARDSEN
BALMES 114
BARCELONA, 4-08008, ES

27 SEP 2006

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Bruce E. Black, Ph.D.
DARBY & DARBY P.C.
P.O. Box 5257
New York, NY 10150-5257

In re Application of: Davis	:	
Application No.: 10/590,640	:	
PCT Application No.: PCT/US02/21860	:	DECISION ON PETITION
Int. Filing Date: 26 June 2002	:	UNDER 37 CFR 1.137(b)
Priority Date Claimed: 27 June 2001	:	
Attorney Docket No.: 20386/0205092-US0	:	
For: Modular Micro-Reactor Architecture and	:	
Method for Fluid Processing Devices	:	

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 23 August 2006.

BACKGROUND

On 26 June 2002, Applicant filed international application PCT/US02/21860, which claimed a priority of a provisional US application filed on 27 June 2001. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 December 2003.

International application PCT/US02/21860 became abandoned as to the United States for failure to timely pay the basic national fee.

On 23 August 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or

applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) the required reply, (2) the petition 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 and fee (if the international application was filed prior to June 8, 1995).

With regard to Item (1), applicant has provided the required reply under 35 U.S.C. 371 as the petition is accompanied by payment of the basic national fee.

With regard to Item (2), the appropriate small entity petition fee of $750 as required by 37 CFR 1.17(m) has been paid.

With regard to Item (3), Applicant's statement that "[t]he entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" has been satisfied.

With regard to Item (4), a terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

For the reasons above, the petition to revive the international application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America, and will be processed, under 35 U.S.C. 371, as application number **10/590,640**.

Application number **10/590,640** is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision including 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) and (b), and a surcharge for filing the oath or declaration after the thirty-month period, is required.

Peter B. Kim
PCT Legal Administration Detailee
Telephone: 571-272-6095
Facsimile: 571-273-0459

Boris Milef
Legal Examiner
Office of PCT Legal Administration

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

ERIC S. FURMAN
550 W C STREET, SUITE 1200
SAN DIEGO, CA 92101

COPY MAILED

NOV 2 4 2008

OFFICE OF PETITIONS

In re Application of
Gert Bolander JENSEN, et al
Application No. 10/590,648
Filed: November 16, 2007
Attorney Docket No. ZBM1.002APC

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 30, 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 Eric S. Furman on behalf of the attorneys of record associated with Customer No. 20995.

The attorneys of record associated with Customer No. 20995 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: GERT BOLANDER JENSEN
EMDRUP MOSEVEJ 12
D-2400, COPENHAGEN,
DENMARK

cc: ZBM PATENTS – ZEA,
BARLOCCI & MARKVARDSEN
BALMES 114
BARCELONA, 4-08008
SPAIN

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

18 SEP 2006

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Alexandria, VA 22313-1450
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Jacobson Holman PLLC
400 7th Street, NW
Suite 600
Washington, D.C. 20004

In re Application of :
O'DELL et al. :
Application No.: 10/590,652 : DECISION ON PETITION
PCT No.: PCT/US04/41773 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 13 December 2004 :
Priority Date: 12 December 2003 :
Attorney Docket No.: P71053US1 :
For: BIRDFEEDER AND SEED DISPENSER THEREFOR :

The petition to revive under 37 CFR 1.137(b) filed 25 August 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 PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07-08-09

TO SPE OF : ART UNIT 3748

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/590662 Patent No.: 7484359
Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Angela Green
Certificates of Correction Branch
703-756-1541

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: _____

THOMAS DENION
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Thomas Denion — 3748
SPE — **Art Unit**

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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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,664	08/08/2008	Hans-Peter Buchstaller	030863-00013	2253

7590 08/31/2009

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER	
EYLER, YVONNE L	
ART UNIT	**PAPER NUMBER**
1621	
NOTIFICATION DATE	**DELIVERY MODE**
08/31/2009	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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19 SEP 2006

John P. Shannon
Merek, Blackmon & Voorhees, LLC
673 South Washington Street
Alexandria, VA 22314

In re Application of	:	
MEYER	:	
U.S. Application No.: 10/590,667	:	DECISION ON PETITION
PCT No.: PCT/EP05/01410	:	
Int. Filing Date: 11 February 2005	:	UNDER 37 CFR 1.137(b)
Priority Date: 12 February 2004	:	
Attorney Docket No.: EIS.010	:	
For: BUILDING	:	

The petition to revive under 37 CFR 1.137(b) filed 25 August 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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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Ivor R. Elrifi
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo
One Financial Center
Boston MA 02111

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Kung et al.	:	
Application No. 10/590672	:	ON APPLICATION FOR
Filing or 371(c) Date: 08/24/2006	:	PATENT TERM ADJUSTMENT
Attorney Docket Number:	:	
20363-025 NATL	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed March 12, 2010. Applicants petition for reconsideration of the patent term adjustment calculation to 69 days, not zero (0) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction based upon (1) an assertion that the Office erred in failing to calculate two delays of 92 days, and (2) on the basis that the Office will take in excess of three years to issue this patent.

The Application for Patent Term Adjustment Including Request for Reconsideration of Patent Term Adjustment ("PTA") under 37 CFR 1.705(b), as it relates to the assertion that the Office erred in failing to calculate delays of 184 days is **GRANTED to the EXTENT INDICATED**.

The Application for Patent Term Adjustment Including Request for Reconsideration of Patent Term Adjustment ("PTA") under 37 CFR 1.705(b), 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**.

On December 15, 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 (PTA) to date is zero (0) days.

On March 12, 2010, applicant timely submitted the instant application for patent term adjustment[1]. Applicants request that the Determination of Patent Term Adjustment be corrected from zero (0) days, as indicated on the Determination of PTA mailed December 15, 2009, to an adjustment of 69 days. Applicants aver that the Office may have erred in failing to calculate two delays of 92 days, and (2) on the basis that the Office will take in excess of three years to issue this patent.

[1] PALM records show that the Issue Fee payment was received in the Office on March 12, 2010.

As to the assertion that the Office erred in failing to calculate two delays of 92 days, the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed September 1, 2009 indicates a patent term of zero (0) days. The instant request for reconsideration of patent term adjustment indicates that the Office may have erred in failing to calculate an adjustment 92 days in connection with the filing of a reply to a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), on October 23, 2007, three (3) months and 92 days after the mail date of the Notification, and also failed to calculate an adjustment 92 days in connection with the filing of an information disclosure statement ("IDS") on May 26, 2009, after filing a response to a Restriction/Election Requirement on February 23, 2009.

Office records reveal that a Notification of Missing Requirements Under 35 U.S.C. 371 was mailed on April 23, 2007. Applicants filed a response to the Notification of Missing Requirements on October 23, 2007. The reduction commenced July 24, 2007, the day after the date that is three months after the date of mailing of the Notification of Missing Requirements, and ending on the date the reply was filed, October 23, 2007. As such, pursuant to 37 CFR 1.704(b), the application is assessed a reduction of 92 days.

Office records reveal further that Applicants filed the response to the Restriction/Election Requirement on February 23, 2009. Thereafter, Applicants filed an IDS on May 26, 2009. The reduction commenced February 24, 2009, the day after the date that the response to the Restriction/Election Requirement was filed, and ending on the date the IDS was filed, May 26, 2009. As such, pursuant to 37 CFR 1.704(c)(8), the application is assessed a reduction of 92 days.

In view thereof, as of the time of allowance, the application is entitled to an overall patent term adjustment of zero days (adjustments totaling 30 days less reductions totaling 262 days).

As to the Office's failure to issue the patent within 3 years of the filing date, knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

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

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is

advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[2].

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, including any request as it relates to the Office's failure to issue the patent within 3 years of the filing date, 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. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods at (571) 272-3232.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations

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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 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.

Day : Thursday

PALM INTRANET

Date: 7/1/2010
Time: 10:18:09

PTA Calculations for Application: 10/590672			
Application Filing Date:	10/23/2007	PTO Delay (PTO):	30
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	78
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-184		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
61	07/01/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		184	
51	12/15/2009	MAIL NOTICE OF ALLOWANCE			
50	11/17/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		78	37
49	12/07/2009	ISSUE REVISION COMPLETED			
48	12/07/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
47	12/07/2009	CASE DOCKETED TO EXAMINER IN GAU			
46	12/04/2009	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
45	12/04/2009	DOCUMENT VERIFICATION			
44	11/30/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
43	12/03/2009	EXAMINER'S AMENDMENT COMMUNICATION			
42	12/03/2009	NOTICE OF ALLOWABILITY			
41	11/16/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
40	11/17/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
39	11/17/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	09/25/2009	DATE FORWARDED TO EXAMINER			
37	08/31/2009	RESPONSE AFTER NON-FINAL ACTION			
36	06/01/2009	MAIL NON-FINAL REJECTION			
35	05/29/2009	NON-FINAL REJECTION			
34	05/26/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	05/26/2009	INFORMATION DISCLOSURE STATEMENT			

		CONSIDERED			
32	05/26/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	05/26/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	04/02/2009	DATE FORWARDED TO EXAMINER			
23	02/23/2009	RESPONSE TO ELECTION / RESTRICTION FILED			
22	01/22/2009	MAIL RESTRICTION REQUIREMENT	30		10
21	01/19/2009	REQUIREMENT FOR RESTRICTION / ELECTION			
20	06/30/2008	PRELIMINARY AMENDMENT			
19	08/14/2008	PG-PUB ISSUE NOTIFICATION			
18	07/01/2008	CASE DOCKETED TO EXAMINER IN GAU			
17	06/20/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	06/20/2008	MAIL NON-COMPLIANT PRELIMINARY AMENDMENT			
15	04/30/2008	CORRECTED FILING RECEIPT			
14	06/20/2008	NON-COMPLIANT PRELIMINARY AMENDMENT			
11	05/01/2008	APPLICATION DISPATCHED FROM OIPE			
10	10/23/2007	371 COMPLETION DATE			
9	04/22/2008	SENT TO CLASSIFICATION CONTRACTOR			
8	04/22/2008	FILING RECEIPT			
7	04/22/2008	NOTICE OF DO/EO ACCEPTANCE MAILED			
6	10/23/2007	ADDITIONAL APPLICATION FILING FEES			
5	10/30/2007	PRELIMINARY AMENDMENTS			
4	10/23/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS IN 46204

In re Application of	
BLAKE et al.	
U.S. Application No.: 10/590,673	
PCT Application No.: PCT/AU05/00255	PETITION FOR REFUND
Int. Filing Date: 28 February 2005	
Priority Date: 27 February 2004	
Atty. Docket No.: 39084-200742	
For: AN ACCESS CONTROL SYSTEM	

This is a decision on applicant's petition entitled "ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS AND REQUEST FOR REFUND" filed on 13 November 2006.

On 26 August 2006, applicant filed a transmittal letter to enter national stage along with the basic national fee in the amount of $300. On 13 November 2006, applicant filed a request for refund of $1,590 for national fees paid on 26 August 2006 along with a small entity statement.

A review of the finance records reveals that applicant paid the basic national fee in the amount of $300, along with subsequent fees, amounting to $1030. No credit for a refund of the basic national fee upon receipt of the small entity statement appears in the finance records.

Since the small entity statement, filed on 13 November 2006, is deemed to meet the requirements of 37 CFR 1.27, a refund of $515.00 pursuant to 37 CFR 1.28 (a) and 37 CFR 1.26 is in order and will be credited to applicant's deposit account No. 10-0435.

CONCLUSION

For the reasons above, applicant's request for refund filed 13 November 2006 in the amount of $515 is **GRANTED** and will be credited to applicant's deposit account No. 10-0435.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: 571-272-3286

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Robert C. Faber
Ostrolenk Faber Gerb & Soffen
1180 Avenue of the Americas
New York, NY 10036-8402

Mail Date: 04/27/2010

Applicant	: Hans Tanner	: DECISION ON REQUEST FOR
Patent Number	: 7628676	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/590,747	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/25/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **587** 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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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

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SEP 18 2009

OFFICE OF PETITIONS

In re Application of :
Masanori Takano, et al. :
Application No.: 10/590,759 : ON PETITION
Filed: April 10, 2007 :
Attorney Docket No.: SCEP 22.700 (100809-00345 :

This is a decision on the petition, filed September 17, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 17, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2887 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

10 JUL 2007

Commissioner for Patents
United States Patent and Trademark Office
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NORRIS, MCLAUGHLIN & MARCUS, P.A.
875 THIRD AVE
18TH FLOOR
NEW YORK NY 10022

In re Application of :
KNISPEL, Gottfried et al. :
Application No.: 10/590,760 : DECISION
PCT No.: PCT/EP05/01876 :
Int. Filing Date: 23 February 2005 : ON PETITION UNDER
Priority Date: 27 February 2004 :
Docket No.: 100727-115 WCG : 37 CFR 1.137(b)
For: METHOD FOR THE PRODUCTION OF :
DENTAL MOULDING MATERIALS AND :
DEVICE THEREFOR :

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 in the above-captioned application on 17 May 2007 is **GRANTED**.

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The appropriate national fee and 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.

The declaration furnished during the international phase does not comply with 37 CFR 1.497(a)-(b). The declaration was furnished under PCT Rule 26*ter*, but failed to identify the international application number to which it was directed. The fee for late filing of the search fee, examination fee or oath or declaration is required.

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

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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20 SEP 2006

BAYER HEALTHCARE LLC
1884 Miles Avenue
P.O. Box 70
Elkhart, IN 46515-0070

In re Application of
BEER *et al*
U.S. Application No.: 10/590,765
PCT No.: PCT/US2005/003622
Int. Filing Date: 04 February 2005
Priority Date: 06 February 2004
Attorney Docket No.: 47082
For: OXIDIZABLE SPECIES AS AN INTERNAL REFERENCE FOR BIOSENSORS AND METHODS OF USE

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

Applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 24 August 2006 is hereby **GRANTED** as follows:

The basic national fee and the petition fee have been paid. Applicants make the required statement pursuant to 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 in compliance with 37 CFR 1.497(a) and (b) was provided.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 04 February 2005, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 24 August 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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ERIC S. FURMAN
550 W C STREET, SUITE 1200
SAN DIEGO, CA 92101

COPY MAILED

NOV 2 4 2008

OFFICE OF PETITIONS

In re Application of :
Gert Bolander JENSEN, et al :
Application No. 10/590,768 : DECISION ON PETITION
Filed: November 16, 2007 : TO WITHDRAW
Attorney Docket No. ZBM1.004APC : 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 30, 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 Eric S. Furman on behalf of the attorneys of record associated with Customer No. 20995.

The attorneys of record associated with Customer No. 20995 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: GERT BOLANDER JENSEN
EMDRUP MOSEVEJ 12
D-2400, COPENHAGEN,
DENMARK

cc: ZBM PATENTS – ZEA,
BARLOCCI & MARKVARDSEN
BALMES 114
BARCELONA, 4-08008
SPAIN

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

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APR 15 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of
MARUYAMA, JUNICHI
Application No. 10/590,772
Filed: August 25, 2006
Attorney Docket No. 050070-0113

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 March 17, 2008, 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 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 is deficient as follows:

Petitioner has not complied with item 2 above in that although a translation of the claims has been submitted, the petition fails to include a copy of the actual allowable/patentable claims from the JPO application. The U.S. Patent and Trademark Office does not have the capability to download JP language documents from the Dossier Access System at this time. Petitioner has also not complied with item 5 above in that although a translation of the Japanese Office action has been submitted, the petition fails to include a copy of the Japanese language Office action.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision 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.

Any response must be submitted via EFS-web.

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.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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MAY 09 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of
MARUYAMA, JUNICHI
Application No. 10/590,772
Filed: August 25, 2006
Attorney Docket No. 050070-0113

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 renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 24, 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

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

Mail Date: 04/22/2010

Applicant	: Junichi Maruyama	: DECISION ON REQUEST FOR
Patent Number	: 7649512	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/590,772	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/25/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **424** 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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Ronald R Santucci
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

Mail Date: 05/19/2010

Applicant	: Takafumi Kawano	: DECISION ON REQUEST FOR
Patent Number	: 7641970	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/590,779	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/25/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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19 FEB 2008

LOWENSTEIN SANDLER PC
65 Livingston Avenue
Roseland, NJ 07068

In re Application of	:	
GADDY et al	:	DECISION ON
Int. Application: PCT/US2005/007655	:	
Application No.: 10/590,781	:	
Int. Filing Date: 09 March 2005	:	REQUEST UNDER
Priority Date: 09 March	:	
Attorney's Docket No.: 19008-39	:	
For: SYSTEM AND METHOD...	:	
SYMMETRIC FIREWALLS	:	37 CFR 1.497(d)

This is a decision on applicants' "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE' filed on 24 September 2007, which is being treated as a request under 37 CFR 1.497(d) to add joint inventor Chang Feng in the executed declaration.

BACKGROUND

On 9 March 2005, applicant filed international application No. PCT/US2005/007655, which claims a priority date of 9 March 2004.

On 25 August 2006, applicant filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration was filed at such time.

On 20 April 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 International application number and international filing date" must be submitted within two months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 09 May 2007, applicant filed a "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371," which included, *inter alia*, an executed declaration.

On 27 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) indicating that the oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that inventor Chang Feng not on IA. No notification of a change in application.

On 24 September 2007, applicant filed a "REQUEST FOR ADDITION OF INVENTOR," which included, *inter alia*, a statement under 37 CFR.1.497(d) adding Chang Feng who was not originally listed in the PCT application.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) and (3) but not item (2) under 37 CFR 1.497(d).

With respect to item (1), the statement submitted by Chang Feng is sufficient because the statement states that the error in inventorship occurred without a deceptive intent.

With respect to item (2), applicant has not provided the processing fee of $130.00 because no check or authorization to charge a Deposit Account has been provided. The statement "any additional fees due, via the U.S. Patent and Trademark Office e-filing system (EFS- Web)" is insufficient.

With respect to item (3),Clique Communication , the assignee, consents to the correction of inventorship to the above application and it has filed in the requisite papers establishing their right to take action under 37 CFR §3.73(b) because the assignment has been recorded in USPTO at Reel/Frame 019266/0310.

Accordingly, the request is not deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

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07 APR 2008

LOWENSTEIN SANDLER PC
65 Livingston Avenue
Roseland, NJ 07068

In re Application of	:	
GADDY et al	:	DECISION ON
Application No.: 10/590,781	:	
Int. Application: PCT/US2005/007655	:	
Int. Filing Date: 09 March 2005	:	REQUEST UNDER
Priority Date: 09 March	:	
Attorney's Docket No.: 19008-39	:	
For: SYSTEM AND METHOD...	:	
SYMMETRIC FIREWALLS	:	37 CFR 1.497(d)

This is a decision on applicants, "RENEWED REQUEST UNDER 37 CFR 1.497(d)," filed on 22 February 2008.

BACKGROUND

In a decision from this on 19 February 2008, the request filed on 24 September 2007 was dismissed because item (2) under 37 CFR 1.497(d) was not met.

On 22 February 2008, applicants filed the current renewed request.

DISCUSSION

A review of the application file reveals that applicants have now satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (2), the applicants have provided the processing fee of $130.00 by EFS-Web, which the fee has been charged to Deposit Account 50-1358.

Accordingly, the requests are deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

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 **09 May 2007**.

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

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11 JUN 2009

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02292
BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of :
FITZPATRICK *et al* :
U.S. Application No.: 10/590,785 :
PCT No.: [Unknown] :
Int. Filing Date: 25 February 2005 :
Priority Date: 26 February 2004 : **COMMUNICATION**
Attorney Docket No.: 0760-0357PUS1 :
For: MEASUREMENT VALUE LOWERING :
INHIBITOR FOR IMMUNOASSAY :
METHOD AND IMMUNOASSAY METHOD :
USING THE SAME :

This communication is to inform applicants that the PCT number listed on the transmittal letter filed with the national stage papers of the above-captioned application on 25 August 2006 identifies a different international application number than other national stage papers.

The transmittal letter indicates that the underlying PCT number for the subject national stage application is PCT/JP2002/003135. However, the declaration identifies the international application as PCT/JP2005/003135. Moreover, WIPO records indicate that the title and name of applicants correspond to PCT/JP2005/003135.

A petition pursuant to 37 CFR 1.182 is required to correct the national stage papers. A $400.00 petition fee must accompany this petition.

Applicants have **TWO (2) MONTHS** from the mail date of this communication to respond. Failure to respond will result in the **ABANDONMENT** of the above-identified application. Extensions of time are available pursuant to 37 CFR 1.136.

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

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31 AUG 2009

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P.O. Box 747
Falls Church, VA 22040-0747

In re Application of :
FITZPATRICK *et al* :
U.S. Application No.: 10/590,785 :
PCT No.: PCT/JP2005/003135 :
Int. Filing Date: 25 February 2005 :
Priority Date: 26 February 2004 : **DECISION**
Attorney Docket No.: 0760-0357PUS1 :
For: MEASUREMENT VALUE LOWERING :
INHIBITOR FOR IMMUNOASSAY :
METHOD AND IMMUNOASSAY :
METHOD USING THE SAME :

This decision is in response to the "Petition Under 37 CFR. 1.182" filed 25 June 2009.

BACKGROUND

On 25 August 2006, applicants filed papers to enter the national stage of a PCT application. The transmittal letter (Form PTO-1390) indicated that the underlying international application was PCT/JP2002/003135. However, the international application was identified as PCT/JP2005/003135 on several other papers submitted.

On 11 June 2009, a communication was mailed stating that a petition under 37 CFR 1.182 was required to correct the application papers.

On 25 June 2009, applicants filed the subject petition.

DISCUSSION

In the petition, applicants state that "due to a clerical error" the international application was misidentified as PCT/JP2002/003135 on the transmittal letter. Applicants state that the correct international application is PCT/JP2005/003135.

Applicants request the Office replace the incorrect Form PTO-1390 submitted 25 August 2006 with a corrected Form PTO-1390 identifying the international application as PCT/JP2005/003135. The subject papers are treated under 37 CFR 1.182. The $400.00 petition fee has been paid.

Applicants submitted a copy of the International Search Report for PCT/JP2005/003135 with the initial filing on 25 August 2006. Applicants also provided an executed declaration which records the PCT number as PCT/JP2005/003135. Moreover, the title, names of applicants, priority dates and international filing date on the transmittal letter correspond to PCT/JP2005/003135.

Thus, it is clear that applicants intended to file a national stage application of PCT/JP2005/003135 with the papers submitted on 25 August 2006.

This is sufficient for a grantable petition under 37 CFR 1.182.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The above-captioned application is the national stage of PCT/JP2005/003135.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,797	08/25/2006	Hans-Peter Buchstaller	030863-00014	2176

7590 08/31/2009

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER	
DAVIS, ZINNA NORTHINGTON	
ART UNIT	**PAPER NUMBER**
1625	
NOTIFICATION DATE	**DELIVERY MODE**
08/31/2009	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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,798	08/25/2006	Hans-Peter Buchstaller	030863-00015	2194

7590 08/31/2009

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER	
DAVIS, ZINNA NORTHINGTON	
ART UNIT	**PAPER NUMBER**
1625	
NOTIFICATION DATE	**DELIVERY MODE**
08/31/2009	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

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19 FEB 2008

23409
MICHAEL BEST & FRIEDRICH LLP
100 E Wisconsin Avenue
Suite 3300
Milwaukee, WI 53202

In re Application of
NIZZERE *et al*
U.S. Application No.: 10/590,815
PCT No.: PCT/US2005/006414
Int. Filing Date: 28 February 2005
Priority Date: 27 February 2004
Docket No.: 074408.9007-01
For: SCALE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 03 December 2007.

BACKGROUND

On 01 May 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 $130.00 surcharge fee must be provided. Applicants were given two months to respond.

On 03 December 2007, applicants submitted the subject petition which was accompanied by, *inter alia*, a petition fee of $200.00; the surcharge fee of $130.00; a five-month extension fee of $2,230.00; a declaration executed by five of the seven named inventors; a declaration of Karen Kaplan; and exhibits A-B.

DISCUSSION

Petitioners allege that Matthew Lawler and Theron Kotze cannot be located. As such, a petition under 37 CFR 1.47(a) was filed as response to the Notification of Missing Requirements.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the required petition fee; (2) factual proof that the missing joint inventor refuses to execute the application or cannot be found or reached after diligent effort; (3) a statement of the last known address of the missing joint inventor; (4) and an oath or declaration executed by the signing joint inventor on his behalf and on behalf of the nonsigning joint inventor.

Concerning item (1), the $200.00 petition fee has been paid.

With regard to item (3), the 37 CFR 1.47(a) applicants satisfies this requirement by listing the last known addresses of both nonsigning inventors.

However, petitioners have not yet met the requirements for items (2) and (4) of 37 CFR 1.47(a).

Concerning item (2), Petitioners must follow the procedures outlined in section 409.03(d) of the MPEP whereby the inventor cannot be reached 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 provided evidence that would be meet the 'diligent effort' standard of the MPEP if corroborated by sufficient documentary evidence. However, petitioners only submitted copies of the Federal Express tracking documents as discussed in the declaration of Ms. Kaplan. Petitioners must also provide copies of the internet searches conducted and any other relevant documentary evidence for a grantable petition. *See above in bold.*

For this reason, item (2) of 37 CFR 1.47(a) is not yet satisfied.

Regarding item (4), petitioners included a declaration signed by five of the seven 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. Nevertheless, the declaration does not meet the requirements of 37 CFR 1.497(a) and (b).

It appears that petitioners submitted one complete declaration and a portion of another declaration. The declaration submitted contains two page 4'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.

Moreover, the declaration contains noninitialed changes in ink on the declaration regarding the address of joint inventor, Chris Kulujian. Any changes made in ink must be initialed and dated by the applicants prior to execution of the declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. *See* MPEP § 605.04(a).

For these reasons, item (4) of 37 CFR 1.47(a) is also not satisfied.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

17 NOV 2008

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MICHAEL BEST & FRIEDRICH LLP
100 E Wisconsin Avenue
Suite 3300
Milwaukee, WI 53202

In re Application of
NIZZERE *et al*
U.S. Application No.: 10/590,815
PCT No.: PCT/US2005/006414
Int. Filing Date: 28 February 2005
Priority Date: 27 February 2004
Docket No.: 074408.9007-01
For: SCALE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is in response to the papers filed 19 September 2008 which are treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 19 February 2008, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 07 July 2008, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed for failing to respond to the Decision on Petition mailed 19 February 2008.

On 19 September 2008, applicants filed the renewed petition which was accompanied by, *inter alia*, a five-month extension and fee, a declaration executed by five of the seven named inventors, a declaration of G. Christopher Braidwood, and Exhibits A and B.

DISCUSSION

Notification of Abandonment

The Form PCT/DO/EO/909 mailed 07 July 2008 was sent in error. Applicants have extendable rights pursuant to 37 CFR 1.136(a) to respond to the prior decision.

As such, the Form PCT/DO/EO/909 is hereby **VACATED**.

Renewed Petition Under 37 CFR 1.47(a)

Petitioners allege that Matthew Lawler and Theron Kotze cannot be located. 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 Mr. Braidwood who states that he conducted internet searches for the two nonsigning inventors to no avail. Documentary evidence of these searches were provided. 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 five of the seven 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 28 February 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 19 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.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

17 NOV 2008

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Theron Kotze
1510 West Byron, Apt. 1
Chicago, IL 60613

In re Application of
NIZZERE *et al*
U.S. Application No.: 10/590,815
PCT No.: PCT/US2005/006414
Int. Filing Date: 28 February 2005
Priority Date: 27 February 2004
Docket No.: 074408.9007-01
For: SCALE

Mr. Kotze:

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

MICHAEL BEST & FRIEDRICH LLP
100 E Wisconsin Avenue
Suite 3300
Milwaukee, WI 53202

17 NOV 2009

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Matthew Lawler
13738 West Ironwood Circle
Homerglen, IL 60441

In re Application of
NIZZERE *et al*
U.S. Application No.: 10/590,815
PCT No.: PCT/US2005/006414
Int. Filing Date: 28 February 2005
Priority Date: 27 February 2004
Docket No.: 074408.9007-01
For: SCALE

Mr. Lawler:

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

MICHAEL BEST & FRIEDRICH LLP
100 E Wisconsin Avenue
Suite 3300
Milwaukee, WI 53202

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23 SEP 2008

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Nixon & Vanderhye, PC
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of :
OKUNO, et al. :
U.S. Application No. 10/590,822 : DECISION ON PETITION
PCT No.: PCT/JP05/03055 :
Int. Filing Date: 24 February 2005 :
Priority Date: 26 February 2004 :
Attorney Docket No.: 1035-652 :
For: SAMPLE TARGET HAVING SAMPLE SUPPORT SURFACE WHOSE FACE IS TREATED, PRODUCTION METHOD THEREOF, AND MASS SPECTROMETER USING THE SAMPLE TARGET :

This decision is in response to applicant's petition to withdraw the holding of abandonment filed 01 August 2008 in the United States Patent and Trademark Office (USPTO). Additionally, this decision is issued in response to the declaration submitted on 01 August 2008 which is being treated as a Request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 24 February 2005, applicant filed international application PCT/JP05/03055 which claimed priority of an earlier application filed 26 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 September 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, 26 August 2006.

On 25 August 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 26 April 2007, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 07 July 2008, applicant was mailed a Notification of Abandonment (Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the Form PCT/DO/EO/905 mailed 26 April 2007 within the time period set therein and that above-identified application was abandoned as to the United States.

On 01 August 2008, applicant filed the petitions considered herein.

DISCUSSION

I. Petition Under 37 CFR 1.181 to Withdraw Holding of Abandonment

The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

> 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.

Applicant has provided a statement that the Form PCT/DO/EO/905 was never received, explained that a search of the file jacket and application contents revealed that the Form PCT/DO/EO/905 had not been received; and included a copy of the relevant docket record. Further, applicant has provided a statement describing the firm's docketing system and that the docketing system is sufficiently reliable. Thus, applicant has provided the proper showing necessary to withdraw the holding of abandonment and the petition may be properly granted.

II. Submission Under 37 CFR 1.42 (Declaration)

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 inventor, where no legal representative has been appointed.

The declaration submitted on 01 August 2008 was executed by Naoko Okuno as "heiress" to the deceased inventor, Shoji Okuno. However, the declaration does not state that Naoko Okuno is the sole heir of the deceased inventor. Absent a statement that the signing heir is the sole heir of the deceased inventor, the declaration cannot be accepted under 37 CFR 1.42.

In addition, it is noted that revised 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 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative 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 on 01 August 2008 provides the citizenship for only one individual and it is unclear whether this information is for the Naoko Okuno or the deceased inventor. Accordingly, the declaration is not in compliance with 37 CFR 1.497(b)(2).

Applicant must provide a revised declaration executed by the legal representative of the deceased inventor (or all his heirs) that includes all required information, including the citizenship of the deceased inventor and the person(s) signing on his behalf. Such declaration must also make clear on its face, or be accompanied by a statement and/or supporting documentation confirming, that the persons executing the declaration on behalf of the deceased inventor are the only heirs of the deceased inventor.

CONCLUSION

For the reasons above, the request is **GRANTED**. The holding of Abandonment is withdrawn.

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

Applicants are required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTH** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42" and must include an acceptable declaration under 37 CFR 1.497 which has been executed by the either the legal representative of the deceased inventor or, if no legal representative has been appointed, all of the heirs of the deceased inventor.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

2 8 AUG 2009

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Arlington, VA 22203

In re Application of :
OKUNO, et al. :
U.S. Application No. 10/590,822 :
PCT No.: PCT/JP2005/003055 :
Int. Filing Date: 24 February 2005 : DECISION ON REQUEST
Priority Date: 26 February 2004 : UNDER 37 CFR 1.42
Attorney Docket No.: 1035-652 :
For: SAMPLE TARGET HAVING SAMPLE SUPPORT SURFACE WHOSE FACE IS TREATED, PRODUCTION METHOD THEREOF, AND MASS SPECTROMETER USING THE SAMPLE TARGET :

In a decision mailed by this Office on 23 September 2008, the declaration filed by applicant on behalf of deceased inventor Shoji Okuno was dismissed for failure to include all the information required under 37 CFR 1.497. (Additionally, the Decision on Petition dated 23 September 2008 granted applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment.)

On 19 November 2008, applicant filed a response to the previous communication that was accompanied by a newly executed declaration. The declaration submitted on 19 November 2008 identifies the deceased inventor and states the deceased inventor's residency and country of citizenship. Additionally, the declaration is signed by Naoko Okuno as "sole heir of Shoji Okuno," states his/her relationship to the deceased (i.e., sole heir), and provides the sole heir's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is GRANTED.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Anthony R

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD
11TH FLOOR
ARLINGTON, VA 22203

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APR 0 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Hiroshi Nakanishi	:	
Application No. 10/590,825	:	DECISION GRANTING PETITION
Filed: August 25, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. LB-1035-651	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 1, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 25, 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 regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2873 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

---

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

Mail Date: 04/20/2010

Applicant	: Taku Murakami	: DECISION ON REQUEST FOR
Patent Number	: 7595155	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/590,832	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/28/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

27 SEP 2006

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P.O. BOX 1450
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Bayer Healthcare LLC.
P.O. Box 40
Elkhart, IN 46515-0040

In re Application of: HUANG, et al.	:	
Application No.: 10/590,834	:	
PCT Application No.: PCT/US05/04226	:	DECISION ON PETITION
Int. Filing Date: 4 February 2005	:	UNDER 37 CFR 1.137(b)
Priority Date Claimed: 6 February 2004	:	
Attorney Docket No.: 47082-117USPX	:	
For: Electrochemical Biosensor		

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 24 August 2006.

BACKGROUND

On 4 February 2005, Applicant filed international application PCT/US05/04226, which claimed a priority of a provisional US application filed on 6 February 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 6 August 2006.

International application PCT/US05/04226 became abandoned as to the United States for failure to timely pay the basic national fee.

On 24 August 2006, applicant filed the present petition under 37 CFR 1/137(b).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition

under 37 CFR 1.137(b) must be accompanied by (1) the required reply, (2) the petition 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 and fee (if the international application was filed prior to June 8, 1995).

With regard to Item (1), applicant has provided the required reply under 35 U.S.C. 371. A copy of the international application is not required, as the application was filed in the United States Receiving Office (RO/US).

With regard to Item (2), the appropriate petition fee of $1,500 as required by 37 CFR 1.17(m) has been paid.

With regard to Item (3), Applicant's statement that "[t]he entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" has been satisfied.

With regard to Item (4), a terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

For the reasons above, the petition to revive the international application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America, and will be processed, under 35 U.S.C. 371, as application number **10/590,834**.

Application number **10/590,834** is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 24 August 2006.

Peter B. Kim
PCT Legal Administration Detailee
Telephone: 571-272-6095
Facsimile: 571-273-0459

Boris Milef
Legal Examiner
Office of PCT Legal Administration

12 SEP 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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BAYER HEALTHCARE, LLC
1884 MILES AVENUE
P.O. BOX 70
ELKHART, IN 46515-0070

In re Application of BLASCHKE et al :
U.S. Application No.: 10/590,838 :
PCT Application No.: PCT/US05/03624 :
Int. Filing Date: 04 February 2005 : DECISION
Priority Date Claimed: 06 February 2004 :
Attorney Docket No.: 47082-115USPX :
For: FLUID TESTING SENSOR HAVING :
VENTS FOR DIRECTING FLUID FLOW :

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 24 August 2006.

BACKGROUND

On 04 February 2005, applicant filed international application PCT/US05/03624, which claimed priority of an earlier United States application filed 06 February 2004. The thirty-month period for paying the basic national fee in the United States expired on 06 August 2006.

International application PCT/US05/03624 became abandoned as to the United States for failure to timely pay the basic national fee.

On 24 August 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 04 February 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 August 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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P.O. Box 1450
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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

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NOV 26 2007

OFFICE OF PETITIONS

In re Application of :
Kazuhiko Fujusawa, et al. :
Application No. 10/590,850 : DECISION ON PETITION
Filed: June 28, 2006 : TO WITHDRAW
Attorney Docket No. 360842012800 : 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 24, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on September 7, 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: RAJ S. DAVE', PHD
DARBY & DARBY, PC
1500 K STREET NW
SUITE 250
WASHINGTON, DC 20005-1714

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28 SEP 2006

Jason V. Chang, Esq.
SUTHERLAND ASBILL & BRENNAN, LLP
999 Peachtree Street, N.E.
Atlanta, Georgia 30309

In re Application of	:	DECISION ON
WHite et al	:	
Application No.: 10/590,851	:	
PCT No.: PCT/US2005/006006	:	
Int. Filing Date: 23 February 2005	:	PETITION UNDER
Priority Date: 23 February 2004	:	
Attorney's Docket No.: 19667-0028	:	
For: LIQUID CRYSTALLINE POYLMER...	:	
MULTI-BAND APPLICATIONS	:	37 CFR 1.137(b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 25 August 2006.

BACKGROUND

On 23 February 2005, this international application was filed, claiming an earliest priority date of 23 February 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 23 August 2006. This international application became abandoned with respect to the United States at midnight on 23 August 2006 for failure to pay the required basic national fee.

On 25 August 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 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**.

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

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

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LAW OFFICES OF KARL HORMANN
PO BOX 381516
CAMBRIDGE MA 02238-1516

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MAY 05 2009

OFFICE OF PETITIONS

In re Application of :
Buck et al. :
Application Number: 10/590879 : ON PETITION
Filing Date: 08/27/2006 :
Attorney Docket Number: 060740-US :

This is a decision on the petition to withdraw the holding of abandonment filed on March 26, 2009.

The petition is **DISMISSED**.

This application became abandoned on January 24, 2009, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on October 23, 2008, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on February 18, 2009.

Petitioner's counsel states that the Notice of Allowance and Fee(s) Due was not received from the USPTO until March 5, 2009, after the mailing of the Notice of Abandonment.

A review of the record indicates no irregularity in the mailing of the Notice mailed on October 23, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice was not in fact received.

MPEP 711.03(c) states:

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of

abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

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

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

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

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

At the outset, the registered patent practitioner must state that the Notice mailed on October 23, 2008 was not timely 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 Notice was not timely received. A copy of the record(s) used by the practitioner where the non-received Notice would have been entered had it been timely received is required.

Further, a copy of the practitioner's record(s) required to show non-receipt (or, under the circumstances, delayed receipt) of the Notice should include the master docket for the firm. That is, if a three (3) month period for reply was set in the nonreceived Notice action, a copy of the master docket report showing all replies docketed for a date three (3) months from the mail date of the nonreceived Notice must be submitted as documentary proof of nonreceipt of the Notice. 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 petition is **DISMISSED.**

Alternatively, petitioner may wish to consider filing a petition to revive under 37 C.F.R. 1.137(b).

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the date of this decision. **This time period may not be extended.**[1]

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

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[1] 37 CFR 1.181(f).

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

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

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

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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P.O. BOX 1450
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DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

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OFFICE OF PETITIONS

In re Application of :
Buck et al. :
Application Number: 10/590879 : ON PETITION
Filing Date: 08/27/2006 :
Attorney Docket Number: :
21381/0212121-US0 :

This is a decision on the petition to revive the above-application under 37 CFR 1.137(b)[1] filed on July 2, 2009. This is also a decision on the "Request for Reconsideration of Holding of Abandonment", filed on July 6, 2009.

The renewed petition to withdraw the holding of abandonment is again **DISMISSED**.

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

This application became abandoned on January 24, 2009, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on October 23, 2008, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on February 18, 2009. On March 26, 2009, a petition to withdraw the holding of

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

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

abandonment was filed. On May 5, 2009, the petition was dismissed.

On July 2, 2009, the subject petition under 37 CFR 1.137(b) was filed. On July 6, 2009, the "Request for Reconsideration of Holding of Abandonment" was filed.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Petitioner requests reconsideration of the decision on petition mailed on May 5, 2009. Accordingly, the petition will first be treated as a renewed petition to withdraw the holding of abandonment.

Petitioner's counsel asserts again that the holding of abandonment should be withdrawn. Specifically, petitioner asserts:

> The fact, as stated in the petition, is that whilst the Notice of Allowance dated 23 October 2008 was indeed received it was not received, as immediately notified the Patent and Trademark Office by the attorney's letter of 5 March 2009, *until 5 March 2009.* That does not necessarily imply any irregularity in the mailing of the Notice by the Office. But irregularity clearly occurred during the interval spanning the time the Notice left the Office and the day of its receipt by the undersigned attorney. Neither the Patent Office nor the attorney had any control over the Notice. Since the Notice was received the rules requiring that a petitioner "must state that the Office Action was not received at the correspondence address of record, and that a search of the practitioner's record, including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received" do not apply in the instant case. In paragraph 3 of his Petition, the Practitioner did describe his system used for recording incoming Office actions.
>
> (emphasis in original)

A review of the record indicates no irregularity in the mailing of the Notice mailed on October 23, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record.

This presumption may be overcome by a showing that the Notice was not in fact received.
MPEP 711.03(c) states:

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> **Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.**
>
> **A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month**

> **period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> (emphasis added)

Petitioner again asserts that the Notice was not received until March 5, 2009.

While petitioner did include a statement describing the system used for recording an Office action received at the correspondence address, no documentary proof that the Office action was not timely received was provided. MPEP 711.03(c), states, in pertinent part, that a copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been timely received is required. In this case, as petitioner asserts that the Office action was received, but was not timely received, a copy of the docket record, including the master docket for the firm, showing where the Notice of Allowance would have been entered had it been received when mailed on October 23, 2008 is required. In the absence of the presentation of said documentary evidence, petitioner has not provided a sufficient showing that the Notice of Allowance was not timely received.

As petitioner has not provided a sufficient showing of non-receipt of the Notice of Allowance mailed on March 23, 2008, the petition is again **dismissed**.

PETITION UNDER 37 CFR 1.137(b)

Receipt of the issue and publication fees is acknowledged.

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.[2] In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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[2] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

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27 APR 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 :
CARMI, et al. :
Application No.: 10/590,897 :
PCT No.: PCT/IL05/00230 : DECISION ON PETITION
Int. Filing Date: 24 February 2005 :
Priority Date: 26 February 2004 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: CARMI 1 :
For: ENZYME, CELLS AND METHODS FOR SITE :
SPECIFIC RECOMBINATION AT :
ASYMMETRIC SITES :

The petition to revive under 37 CFR 1.137(b) filed 18 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" 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 an executed declaration of the inventors which contains the citizenship of the first three named inventors. In addition, applicant has provided authorization for the charging of any necessary fees. 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 has an international filing date of 24 February 2005 under 35 U.S.C. 363 and will be given a date of **18 December 2008** 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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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510

Mail Date: 04/21/2010

Applicant	: Jae-Hyuk Oh	: DECISION ON REQUEST FOR
Patent Number	: 7597177	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/590,922	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/25/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

Mail Date: 05/11/2010

Applicant	: Satoshi Fukuyama	: DECISION ON REQUEST FOR
Patent Number	: 7628726	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/590,957	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

05 OCT 2006

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Alexandria, VA 22313-1450
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
LEE et al.	:	
Application No.: 10/590,959	:	DECISION ON
PCT No.: PCT/KR2005/000207	:	
Int. Filing Date: 26 January 2005	:	PETITION UNDER
Priority Date: 29 January 2004	:	
Attorney Docket No.: Q96860	:	37 CFR 1.137(b)
For: PH AND TEMPERATURE	:	
SENSITIVE HYDROGELS	:	

This decision is in response to applicant's submission filed 29 August 2006.

BACKGROUND

On 26 January 2005, applicants filed international application PCT/KR2005/000207 which designated the U.S. and claimed a priority date of 29 January 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 11 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 31 July 2006 (29 July 2006 being a Saturday).

On 29 August 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 29 August 2006.

As to item (2), applicant submitted the petition fee on 29 August 2006.

As to item (3), the required statement has not been provided. While the statement appears on the form submitted, the box in front of the statement has not been checked.

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 **DISMISSED**, without prejudice, 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.

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

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

01 NOV 2006

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

In re Application of	:	
LEE et al.	:	
Application No.: 10/590,959	:	DECISION ON
PCT No.: PCT/KR2005/000207	:	
Int. Filing Date: 26 January 2005	:	PETITION UNDER
Priority Date: 29 January 2004	:	
Attorney Docket No.: Q96860	:	37 CFR 1.137(b)
For: PH AND TEMPERATURE	:	
SENSITIVE HYDROGELS	:	

This decision is in response to applicant's submission filed 19 October 2006.

BACKGROUND

On 26 January 2005, applicants filed international application PCT/KR2005/000207 which designated the U.S. and claimed a priority date of 29 January 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 11 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 31 July 2006 (29 July 2006 being a Saturday).

On 29 August 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.

On 05 October 2006, a decision was mailed dismissing applicants' petition under 37 CFR 1.137(b) because the required statement had not been provided.

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 29 August 2006.

As to item (2), applicant submitted the petition fee on 29 August 2006.

As to item (3), the required statement has now 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) 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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DICKINSON WRIGHT PLLC
1901 L STREET NW
SUITE 800
WASHINGTON DC 20036

COPY MAILED

JUL 02 2008

OFFICE OF PETITIONS

In re Application of :
Keisuke Maruyama et al :
Application No. 10/590,964 : DECISION GRANTING PETITION
Filed: August 29, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. L8612.06123 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 30, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 19, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2821 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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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

Mail Date: 04/20/2010

Applicant	: Kazuhiko Ohrai	: DECISION ON REQUEST FOR
Patent Number	: 7652008	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/590,975	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **424** 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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18 APR 2008

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of :
SMITH et al. : DECISION on
Application No.: 10/590,993 :
PCT No.: PCT/US05/10833 :
Int Filing Date: 30 March 2005 : REFUND
Priority Date: 30 March 2004 :
Atty. Docket No.: 3638-891 :
For: ATTACHMENT FOR A TELESCOPIC MATERIAL :
HANDLER FOR MANIPULATING A LOAD WITH FIVE:
DEGREES OF FREEDOM :

This is in response to applicant's "Request for Refund to Deposit Account" filed 06 June 2007 in the United States Patent and Trademark Office (USPTO).

On 30 March 2005, applicants filed international application No. PCT/US05/10833 which claimed priority of earlier U.S. provisional application filed 30 March 2004. On 29 August 2006, applicant requested entry into the U.S. national stage.

Applicant paid $100 as the search fee for the present application. The U.S. Designated/Elected Office (DO/EO/US) charged Deposit account 14-1140 an additional $400 for such search fee.

On 07 June 2006, Applicant requested a refund of an alleged $400 overcharge for the search fee in the above referenced application pursuant to 37 CFR 1.492(b)(2). The present submission seeks a refund of the extra $400 charged by the DO/EO/US, asserting that the $100 fee (set forth in 37 CFR 1.492(b)(2) applies to the present application. Pursuant to 37 CFR 1.492(b)(2), where the search fee set forth in 37 CFR 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority, the search fee for international application entering the national stage is $100.

Here, the search fee in the original international application was paid to the United States Patent and Trademark Office as an International Searching Authority. Thus, 37 CFR 1.492(b)(2) applies and the appropriate fee is $100.

Based on the above, the appropriate search fee for the present application is $100. The request for refund of $400 is **GRANTED** and will be refunded to applicant's deposit account.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: 571-272-3286

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07 SEP 2007

KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

In re Application of WHEELER et al.
Application No.: 10/591,003
PCT No.: PCT/GB05/00430
Int. Filing: 08 February 2005
Priority Date: 27 February 2004
Attorney Docket No.: 348-058
For: CLEANING A PLURALITY OF LINES

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

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 July 2007, to accept the application without the signature of joint inventor, Matthew Molloy. Petitioner requests a one month extension of time, which is granted.

BACKGROUND

On 28 August 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 27 April 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 24 July 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, Matthew Molloy alleging that Mr. Molloy refuses to sign the application.

DISCUSSION

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

The petition included the requisite petition fee, satisfying Item (1). Item (3) is satisfied because the last known address of non-signing inventor was provided. With regard to item (4),

the declaration executed by the available joint inventor on his behalf and on behalf of the non-signing inventor was submitted. A review of the declaration reveals that the declaration executed by inventor Anthony Molloy has been altered as Mr. Molloy added a second mailing address. The USPTO does not accept a declaration that has been altered.

Section 602.01 of the MPEP states the following:

> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. Therefore, a new declaration, in compliance with 37 CFR 1.497(a) and (b) and executed by Anthony Molloy, is required. Thus, Item (4) has not yet been satisfied.

With respect to Item (2)[1] above, Petitioner provided a first hand statement of facts of joint

---

[1] 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.)

inventor Steven James Wheeler in support of the petition under 37 CFR 1.47(a). According to Mr. Wheeler, on 26 June 2007, he "forwarded a Declaration required for entering the national stage in the United States along with the above-referenced PCT application to co-inventor Matthew Molloy by sending it to his last known address...". Mr Wheeler also provided a letter dated 09 July 2007 from Mr. Molloy's attorney indicating that Mr. Molloy received the documents relating to the U.S. application and refuses to execute the declaration. This is sufficient evidence to conclude that Mr. Molloy refuses to sign the application. Thus, Item (2) is satisfied.

In sum, Petitioner has satisfied Items (1), (2) and (3) above. However, Petitioner has not satisfied Item (4). A new declaration, in compliance with 37 CFR 1.497(a) and (b) and executed by Anthony Molloy, is required. 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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11 JAN 2008

KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

In re Application of WHEELER et al.
Application No.: 10/591,003
PCT No.: PCT/GB05/00430
Int. Filing: 08 February 2005
Priority Date: 27 February 2004
Attorney Docket No.: 348-058
For: CLEANING A PLURALITY OF LINES

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

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 07 November 2007, to accept the application without the signature of joint inventor, Matthew Molloy.

BACKGROUND

On 28 August 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 27 April 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 24 July 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, Matthew Molloy alleging that Mr. Molloy refuses to sign the application.

On 07 September 2007, a decision dismissing the petition was mailed indicating that the declaration executed by inventor Anthony Molloy had been altered and was unacceptable.

On 07 November 2007, applicant filed a renewed petition arguing that the declaration was not altered, amended or changed by the mere addition of a second mailing address.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-

signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Item (1), (2) and (3).

With regard to item (4), a newly executed declaration by the available joint inventor on his behalf and on behalf of the non-signing inventor was submitted. The new declaration is in compliance with 37 CFR 1.497(a) and (b) and executed by Anthony Molloy, was provided. Thus, Item (4) has now been satisfied.

In sum, Petitioner has satisfied Items (1)- (4) above. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 07 November 2007. The application has an international filing date of 08 February 2005 under 35 U.S.C. 363, and a date of 07 November 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
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459

0 9 FEB 2007

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ALEXANDRIA, VA 22313-1450
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Wen Liu
Liu & Liu
444 S. Flower Street, Suite 1750
Los Angeles, CA 90071

In re Application of BEEREN	:	
U.S. Application No.: 10/591,019	:	
PCT Application No.: PCT/IB2005/050663	:	
Int. Filing Date: 23 February 2005	:	
Priority Date Claimed: 26 February 2004	:	COMMUNICATION
Attorney Docket No.: 1217/202	:	
For: METHOD TO OPTIMIZE THE COLOR POINT IN TRANSREFLECTIVE COLOR LIQUID CRYSTAL DISPLAYS	:	

This is in response to applicant's "Petition Under 37 CFR 1.182" filed 26 January 2007.

BACKGROUND

On 23 February 2005, applicant filed international application PCT/IB2005/050663, which claimed priority of an earlier European Patent Office application filed 26 February 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 15 September 2005. The thirty-month period for paying the basic national fee in the United States expired on 26 August 2006.

On 21 August 2006, application papers requesting national stage entry in the United States for PCT/IB2005/050663 were submitted by Michael Marion of Philips Intellectual Property & Standards. These papers were accompanied by the requisite basic national fee and were assigned U.S. application number 10/598,191.

On 28 August 2006, application papers requesting national stage entry in the United States for PCT/IB2005/050663 were submitted by Wen Liu of Liu & Liu. These papers were accompanied by the requisite basic national fee and were assigned U.S. application number 10/591,019.

On 04 December 2006, this Office mailed a communication with stated that the submission of two different sets of application papers to enter the national stage in the United States was improper.

On 26 January 2007, applicant filed the present response.

DISCUSSION

Upon further consideration, a petition under 37 CFR 1.182 is not necessary to resolve the present matter. Thus, the $400.00 petition fee is not required.

The response states that U.S. application number 10/591,019 will continue to be processed.

CONCLUSION

The serialization of U.S. application number 10/598,191 is hereby VACATED.

The application is being forwarded to the DO/EO/US for processing in accordance with this communication.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/13/08

TO SPE OF : ART UNIT 3612

SUBJECT : Request for Certificate of Correction for Appl. No.: 10591022 Patent No.: 7413226 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

_____
Certificates of Correction Branch

703-308-9390 ext. _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

☒ **Approved** — **All** changes apply.

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

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

Comments: _____

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

_____ 3612
SPE **Art Unit**

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MINNEAPOLIS MN 55440-1022

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AUG 2 8 2008

OFFICE OF PETITIONS

In re Application of
Gerhard Fritz
Application No. 10/591,031
Filed: August 29, 2006
Attorney Docket No. 14603-028US1P2004,0195USN

: 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 August 26, 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 July 29, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2829 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Matthew L Koziarz
Carlson Gaskey & Olds
400 W Maple Road
Suite 350
Birmingham, MI 48009

Mail Date: 04/21/2010

Applicant	: Robert Dowe	: DECISION ON REQUEST FOR
Patent Number	: 7591469	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/591,039	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **112** 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
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Hiroki Matsuoka	: DECISION ON REQUEST FOR
Patent Number	: 7607290	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/591,046	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/29/2006	: 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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SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

Mail Date: 04/21/2010

Applicant	: Keiji Nishimoto	: DECISION ON REQUEST FOR
Patent Number	: 7621654	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/591,081	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **120** 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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INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

Mail Date: 04/20/2010

Applicant	: Mario Bechtold	: DECISION ON REQUEST FOR
Patent Number	: 7631438	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/591,090	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

2 0 MAY 2008

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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

In re Application of	:	
KHOURI et al.	:	
Serial No.: 10/591,113	:	DECISION ON
PCT No.: PCT/US04/21061	:	
Int. Filing Date: 29 June 2004	:	PETITION UNDER
Priority Date: 04 March 2004		:
Attorney's Docket No.: 061300-1011	:	37 CFR 1.47(a)
For: MIXING DRUM	:	

This is a decision on applicants' "Request To Withdraw Petition under 37 CFR 1.47(a)", filed on 11 March 2008 and "Petition Under 37 CFR 1.47(a)" filed on 01 October 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 31 August 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 30 April 2007, a Notification of Missing Requirements was mailed to applicant indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b) identifying the international application number and international filing date, was required.

On 01 October 2007, in response to the Notification of Missing Requirements, applicant filed declarations executed by the joint inventors and a petition under 37 CFR 1.47(a) for nonsigning inventor William Tippins.

On 11 March 2008, prior to a decision on applicant's petition under 37 CFR 1.47(a), applicant filed a "Request To Withdraw Petition under 37 CFR 1.47(a)" along with a declaration executed by William Tippins.

DISCUSSION

Petitioner has now presented the declaration signed by inventor William Tippins. 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.

The petition under 37 CFR 1.47(a) is considered moot as declaration executed by the previously unavailable inventor has now been submitted. The declarations are acceptable under 37 CFR 1.497(a) and (b).

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**. Applicant's Request To Withdraw Petition under 37 CFR 1.47(a) is Granted.

The declarations executed by the joint inventors and submitted on 01 October 2007 and 11 March 2008, are 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 **11 March 2008.**

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Tel: 571-272-3286
Fax: 571-273-0459

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10 JAN 2008

Osha Liang L.L.P.
1221 McKinney Street
Suite 2800
Houston, Texas 77010

In re Application of
MAILLARD et al.
U.S. Application No.: 10/591,142
PCT No.: PCT/EP05/50720
Int. Filing Date: 18 February 2005
Priority Date: 11 March 2004
Attorney Docket No.: 11345/080001
For: SMARTCARD DYNAMIC MANAGEMENT

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 25 June 2007 to accept the application without the signature of joint-inventor, Michel Maillard.

BACKGROUND

On 18 February 2005, applicants filed international application PCT/EP05/50720 which claimed a priority date of 11 March 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 11 September 2006.

On 30 August 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) and a preliminary amendment.

On 30 April 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 25 June 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 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 Michel Maillard's refusal to execute the application papers is contained in the "Declaration of Joel Wenger" 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 (Michel Maillard). 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 Michel Maillard 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

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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

MAILED

APR 27 2010

OFFICE OF PETITIONS

In re Application of :
Baxter et al. :
Application No. 10/591,157 : ON APPLICATION FOR
Filed: October 6, 2006 : PATENT TERM ADJUSTMENT
Atty Docket No. :
GJE-7697 :

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(b)," filed on November 11, 2009. Applicants request that the patent term adjustment be increased from 300 days to 336 days.

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

On August 11, 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 300 days. This application for patent term adjustment was timely filed with or prior to payment of the issue fee.[1]

Applicants assert entitlement to an additional period of adjustment of 36 days for Office delay pursuant to 37 CFR 1.702(a)(1).

Applicants assert, in pertinent part:

> A review of the PAIR record shows that the Patent Office apparently calculated the "B-delay" in the application based upon the October 6, 2006 date. However, a review of the relevant statutes and regulations shows that the actual date to be used with

[1] PALM records indicate that the issue fee was also paid on November 11, 2009.

> regard to the calculation of B-delay time-limits is the date on which national filing "commenced" pursuant to 35 U.S.C. §§ 371(b) and (f). For the subject application, the date on which national filing "commenced" was August 30, 2006.
>
> Based upon the filing date of August 30, 2006, the applicants should have received a first action in this application, pursuant to 35 U.S.C. 154(b)(1)(1), no later than October 30, 2007. However, the first Office Action in this application was not mailed until September 30, 2008. This constituted a 335 day Patent Office delay. A review of the PAIR record shows that the Patent Office delay was determined to be only 299 days.

Applicants are incorrect. 37 CFR 1.703(a)(1) states that the period of adjustment for Office delay is 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. The fourteen month period under § 1.703(a)(1) is calculated from the date of the fulfillment of requirements of 35 U.S.C. 371, not from the date of commencement of the national stage under 35 U.S.C. 371(b) or (f).

A review of the record reveals that the application fulfilled the requirements of 35 U.S.C. 371 on October 6, 2006: the date an oath or declaration pursuant 35 U.S.C. 371(c)(4) was filed. Accordingly, the period of adjustment for Office delay is the period beginning on December 7, 2007, the day after the date fourteen months from the date of fulfillment of requirements under 35 U.S.C. 371, and ending on September 30, 2008, the date of the mailing of the first Office action, or 299 days.

Accordingly, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED**.

In view thereof, no adjustment will be made to the determination of patent term adjustment at the time of the mailing of the notice of allowance.

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 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).

The Office of Data Management has been advised of this decision. The application is thereby forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and if applicable, for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries regarding this matter should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Director
Office of Petitions

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2200 W. SALZBURG ROAD
P.O. BOX 994
MIDLAND MI 48686-0994

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SEP 16 2008

In re Application of	:	
Caprasse et al.	:	
Application No. 10/591187	:	
Filing or 371(c) Date: 08/30/2006	:	DECISION
Attorney Docket Number: DC10047 PCT 1	:	ON PETITION

This is a decision on the correspondence entitled "Information for Withdrawal of Abandonment-PTO has no Evidence that Mailed Correspondence Received," filed July 24, 2008. The correspondence is properly treated as a petition to withdraw the holding of abandonment based upon evidence that a reply was timely filed pursuant to 37 C.F.R.1.181(a). See, MPEP 711.03(c).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed December 13, 2007. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on March 14, 2008. A Notice of Abandonment was mailed July 17, 2008.

Applicant files the present Petition and asserts that a timely reply to the Office action was filed via facsimile on April 11, 2008, including a one (1) month extension of time request and fee. In support of this assertion, Applicant includes a copy of the reply, along with a copy of an Auto-Reply Facsimile Transmission report from this Office acknowledging receipt of 9 pages from Petitioner on April 11, 2008. A review of the copy of the reply filed with the petition reveals that it includes a Certificate of Transmission under 37 CFR 1.8 that the reply was sent on April 11, 2008. The Certificate of Transmission is executed by Petitioner herein. Petitioner also includes a copy of the sending unit's Transmission Report. Accord 37 CFR 1.8(b)(3).

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due. The extension of time fee has been charged Applicant's deposit account.

The application will be referred to Technology Center Art Unit 1796 for processing of the copy of the Response/amendment filed with the present petition.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

0 5 MAR 2007

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
MERNOE	:	
Application No.: 10/591,190	:	DECISION
PCT No.: PCT/DK2006/000195	:	
Int. Filing Date: 06 April 2006	:	
Priority Date: 06 April 2005	:	
Attorney's Docket No.: 18879-014US1	:	
For: AN ACTUATOR	:	

This decision is in response to applicant's "REQUEST TO CORRECT FILING DATE," which has properly been treated as a petition under 37 CFR 1.10(c), filed on 05 February 2007 in the United States Patent and Trademark Office (USPTO)

BACKGROUND

On 06 April 2006, applicants filed international application PCT/DK2006/000195 which designated the U.S. and claimed a priority date of 06 April 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 12 October 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 October 2007 (06 October 2007 being a Saturday and 08 October 2007 being a Federal holiday).

On 31 August 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 05 February 2007, applicant submitted the instant "REQUEST TO CORRECT FILING DATE," which has properly been treated as a petition under 37 CFR 1.10(c). The petition was accompanied by, *inter alia*, a copy of a postcard receipt date-stamped 30 August 2006 by the USPTO, and a copy of the Customer Copy of the "Express Mail Post Office to Addressee" mailing label #EV831645665US. The mailing label shows a date of "83106" in the "Date Accepted" box.

DISCUSSION

The evidence of record is sufficient to establish with reasonable certainty that the application papers and basic national fee were deposited with the United States Postal Service as an "Express Mail Post Office to Addressee" mailing on 31 August 2006. Specifically, the

"Express Mail" label number ("EV831645665US") appears on the Transmittal Letter, which also lists the above-identified attorney docket number and title. As discussed above, the copy of the Customer Copy of this "Express Mail" label shows a "Date Accepted" of 31 August 2006.

CONCLUSION

For the reasons set forth above, applicant's petition under 37 CFR 1.10(c) requesting that the application papers and the basic national fee be accorded a receipt date of 31 August 2006 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

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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P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

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AUG 01 2008

Applicant: Mernoe
Appl. No.: 10/591,190
Filing Date: August 31, 2006
Title: AN ACTUATOR
Attorney Docket: 18879-014US1
Pub. No.: US 2007/0185449 A1
Pub. Date: August 9, 2007

This is a decision on the request for a corrected 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 on the front page of the publication wherein "An Actuator" is misprinted as "Actuator with string drive" in the title of the invention.

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 "An Actuator" is misprinted as "Actuator for string drive" in the title of the invention may be an Office error, but it is a not material Office error under 37 CFR 1.221. The change in the title does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application

[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.

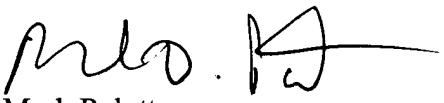
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the 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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19 SEP 2006

WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

In re Application of GROZINGER :
U.S. Application No.: 10/591,198 :
PCT Application No.: PCT/DE04/02718 : DECISION
Int. Filing Date: 11 December 2004 :
Priority Date Claimed: 17 December 2003 :
Attorney Docket No.: 8043-97781 :
For: WATER-SOLUBLE SALT CORES :

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 30 August 2006.

BACKGROUND

On 11 December 2004, applicant filed international application PCT/DE04/02718, which claimed priority of an earlier Germany application filed 17 December 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 30 June 2005. The thirty-month period for paying the basic national fee in the United States expired on 17 June 2006.

International application PCT/DE04/02718 became abandoned as to the United States for failure to timely pay the basic national fee.

On 30 August 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 11 December 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 30 August 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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P.O. BOX 581415
MINNEAPOLIS, MN 55458

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OCT 28 2008

OFFICE OF PETITIONS

Applicant: Wang
Appl. No.: 10/591,199
Filing Date: June 13, 2007
Title: ESTROGEN RECEPTORS AND METHODS OF USE
Attorney Docket No.: 180.0020101
Pub. No.: 2007/0258895 A1
Pub. Date: November 08, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on December 3, 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 provisional data is incorrect. In that, provisional application 60/552,067 filed on March 10, 2004 is erroneously printed as 60/522,067 filed on August 10, 2004.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in the benefit claim on the front page of the publication is an Office mistake, but it 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 claim is in the first line of the specification, as required by 37 CFR 1.78. 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 first line of the specification

[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).

contains the proper benefit claim, thus one can read and understand the application and properly use the patent application publication as a prior art reference.

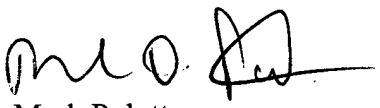
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the 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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In re Application of
Thomas J. Adamo

Application No. 10591215

Filed: August 30,2006

Attorney Docket No. 6050.005.001

:
:
:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 15-DEC-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (11-08)
Approved for use through 12/31/2008. 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 contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	10/591,215	Confirmation Number	7889	Filing Date	2006-08-30
Attorney Docket Number (optional)	6050.005.001	Art Unit	TBD	Examiner	TBD
First Named Inventor	Adamo				
Title of Invention	Apparatus for Imaging using an Array of Lenses				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Thomas	Jeff	Adamo	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Tuvia Rotberg/	Date (YYYY-MM-DD)	2008-12-15
Name	Tuvia Rotberg	Registration Number	58167

PTO/SB/130 (11-08)
Approved for use through 12/31/2008. 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 contains a valid OMB control number

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton, NJ 08543-5312

Mail Date: 04/21/2010

Applicant	: Steven Porter Hotelling	: DECISION ON REQUEST FOR
Patent Number	: 7644604	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/591,222	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/31/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **633** 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 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:
RUSSELL, James A., et al.
U.S. Application No.: 10/591,224
PCT No.: PCT/CA2005/000357
International Filing Date: 04 March 2005
Priority Date: 04 March 2004
Attorney Docket No.: Russell-4
For: TOLL-LIKE RECEPTOR 2 (TLR-2) HAPLOTYPES PREDICT PATIENT OUTCOMES

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to the "Petition To Vacate Holding Of Abandonment" filed 21 November 2008, and supplemented on 09 February 2009, treated herein under 37 CFR 1.182. Applicants have paid the required $400 petition fee.

BACKGROUND

On 04 March 2005, applicants filed international application PCT/CA2005/000357. The international application claimed a priority date of 04 March 2004, and it designated the United States. On 15 September 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 September 2006.

On 31 August 2006, applicants filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee.

On 02 April 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, the surcharge for filing these materials later than thirty months after the priority date, and additional sequence listing materials were required.

On 02 June 2007, applicants filed a response to the Notification Of Missing Requirements, including executed declarations, payment of the required surcharge, and sequence listing materials. However, the transmittal letter used by applicants in filing this response incorrectly identified the application to which the accompanying materials were directed. Specifically, the application number was listed as 10/592,224. Based on the incorrect application

number provided by applicant, the materials filed by applicants on 02 June 2007 were placed in U.S. application file 10/592,224, rather than the present application.

On 27 February 2008, 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 timely response to the Notification Of Missing Requirements mailed 02 April 2007.

On 21 November 2008, applicants filed the "Petition To Vacate Withdraw Holding Of Abandonment" considered herein. The petition asserts that applicants filed a timely and proper response to the Notification Of Missing Requirements, including an executed declaration, on 04 June 2007. The petition asserts that no fee should be required because "the holding of abandonment is erroneous and is entirely the fault of the PTO."

DISCUSSION

As noted above, applicant incorrectly directed the response to the Notification Of Missing Requirements to a separate U.S. application, 10/592,224. A timely response to the Notification Of Missing Requirements was therefore not filed by applicants in the present application. Under such circumstances, a petition under 37 CFR 1.182 is required to correct applicants' error so as to permit the materials filed on 02 June 2007 (misdirected to application number 10/592,224) to be treated as having been filed in the present application, 10/591,224, on 02 June 2007 as a timely response to the Notification Of Missing Requirements, as necessary to avoid abandonment of the present application. Applicants' present petition has therefore been treated under 37 CFR 1.182.

Applicants' 09 February 2009 supplement to the present petition was accompanied by payment of the required petition fee. In addition, a review of the documents filed 02 June 2007 confirms that the proper application number was included therein, specifically, on the copy of the Notification Of Missing Requirements included with such submission, and on the sequence listing statement included in such submission.

Applicants' present submission satisfies the requirements for a grantable petition under 37 CFR 1.182. Accordingly, the response to the Notification Of Missing Requirements and accompanying materials filed 02 June 2007 will be treated as having been filed in the present application, 10/591,224, on 02 June 2007 as a timely response to the Notification of Missing Requirements mailed 02 April 2007.

It is noted that the declarations filed by applicants comply with the requirements of 37 CFR 1.497.

CONCLUSION

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

The response to the Notification Of Missing Requirements filed 02 June 2007, including the executed declaration, surcharge payment, and sequence listing materials, will be treated as

having been filed in the present application on 02 June 2007 as a timely response to the Notification of Missing Requirements mailed 02 April 2007.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 27 February 2008, based as it was on applicants' failure to timely file herein a response to the Notification of Missing Requirements mailed 02 April 2007, is hereby appropriately **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, including review of the sequence listing materials filed by applicants. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 02 June 2007.

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

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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JUL 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Kazushi Sato, et al.	:	
Application No. 10/591,234	:	DECISION ON PETITION
Filed: August 31, 2006	:	
Attorney Docket No. 09812.0131	:	

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 **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before April 26, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed January 26, 2010. Accordingly, the date of abandonment of this application is April 27, 2010. The Notice of Abandonment was mailed May 24, 2010.

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.

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

This application is being referred to the Office of Data Management for further processing.

Terri Johnson
Petitions Examiner
Office of Petitions

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WASHINGTON DC 20001-4413

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JUL 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Kazushi Sato, et al.	:	
Application No. 10/591,234	:	DECISION GRANTING PETITION
Filed: August 31, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 09812.0131	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, June 24, 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 1, 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 Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

Mail Date: 04/20/2010

Applicant	: Keiji Katata	: DECISION ON REQUEST FOR
Patent Number	: 7602683	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/591,240	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/31/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **270** 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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WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

MAIL

MAR 21 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
TOMA, TADAMASA, et al.	:	DECISION ON REQUEST TO
Application No. 10/591,242	:	PARTICIPATE IN PATENT
Filed: August 31, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 2006_1268A	:	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 March 13, 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/591,330	11/01/2006	Linda M. Olson	758.1820USC1	7644

7590 05/22/2007

Attn: Mark DiPietro
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

EXAMINER	
CLEMENTE, ROBERT ARTHUR	
ART UNIT	PAPER NUMBER
1724	

MAIL DATE	DELIVERY MODE
05/22/2007	PAPER

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

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

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Mailed:

In re Application of
Kahlbaugh et al.
Serial No.: 11/591,330
Filed: November 01, 2006

DECISION ON PETITION UNDER *37 CFR 1.48(b)*

For: FILTER MEDIUM AND STRUCTURE

This is a decision on the request for CORRECTION OF INVENTORSIP UNDER 37 C.F.R. 1.48(b) (herein treated as PETITION TO DELETE CORRECTLY NAMED PERSONS WHO ARE NOT INVENTORS OF INVENTION NOW BEING CLAIMED) filed May 07, 2007 to correct inventorship under 37 CFR 1.48(b) by deleting the names of Brad E. Kahlbaugh and Keh B. Dema from the list of inventors of the instant application.
It is noted that the applicant has met the requirements of (1) a petition including a statement identifying each named inventor who is being deleted and acknowledging that the inventor's invention is no longer being claimed in the application; and (2) the fee set forth in 37 CFR 1.17(i).

The petition is **GRANTED**.

The application file is being forwarded to the appropriate section of the Patent and Trademark Office for correction of the record.

Duane S. Smith
Supervisory Patent Examiner
Art Unit 1724
Technology Center 1700

Mark DiPietro
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis MN 55402-0903

22 MAY 2007

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Michael Goldman
Nixon Peabody LLP-Patent Group
Clinton Square
P.O. Box 31051
Rochester, NY 14603-1051

In re Application of:	:	
YOKOYAMA, Kenji, et al.		
Application No.: 10/591,335	:	DECISION
PCT Application No.: PCT/JP2005/003604	:	
Int. Filing Date: 03 March 2005	:	UNDER
Priority Date: 04 March 2004	:	
Atty Docket No.: 201487/1190	:	
For: METHOD FOR PRODUCING MICROCHANNEL CHIPS...THE MICROCHANNEL CHIPS	:	37 CFR 1.137(b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R 1.137(b) " filed 11 May 2007, which has been treated as a petition under 37 C.F.R. 1.137(b).

BACKGROUND

On 03 March 2005, applicants filed international application PCT/JP2005/003604, which designated the U.S. and claimed priority date of 04 March 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 September 2006. Accordingly, PCT/JP2005/003604 became abandoned as to the United States of America at midnight of 04 September 2006 for failure to timely pay the Basic National Fee.

On 31 August 2007, applicants submitted a transmittal letter for entry into the national stage accompanied by an English translation of the international application. The papers did not include the required Basic National fee and an executed declaration.

On 01 February 2007, applicants submitted the full U.S. Basic National Fee via the USPTO Electronic Filing System (EFS-Web).

On 26 April 2007, the Office sent a "Notification of Abandonment" (Form PCT/DO/EO/909) indicating the applicants had failed to provide the full U.S. Basic National Fee by 30 months.

On 11 May 2007, applicants filed the present petition under 37 CFR 1.137(b) to revive the international application.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), applicant has provided the required petition fee.

Regarding 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 noted above, petition to revive under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

Bena Miller
Detailee PCT Legal Examiner
Office of PCT Legal Administration

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

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20 SEP 2006

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

In re Application of	:	
LI, Xia et al.	:	
Application No.: 10/591,360	:	DECISION
PCT No.: PCT/US04/15136	:	
Int. Filing Date: 13 May 2004	:	ON PETITION UNDER
Priority Date: 27 June 2003	:	
Docket No.: MON-0345	:	37 CFR 1.137(b)
For: TASTE RECEPTORS OF THE T1R FAMILY FROM DOMESTIC CAT	:	

Applicants' "Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR §1.137(b)," filed in the above-captioned application on 31 August 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 filing the search fee, examination fee or oath or declaration later than 30 months from the priority date will be charged to deposit account no. 23-3050, 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

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

09/20/2006 SBASHEIR 00000006 233050 10591360
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0 1 OCT 2007

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of	:	
ADAMS (deceased) et al.	:	DECISION ON
Application No.: 10/591,369	:	
PCT No.: PCT/GB2005/000742	:	PAPERS
Int. Filing Date: 28 February 2005	:	
Priority Date: 01 March 2004	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 1662-3 PCT/US	:	
For: POWDERED COMPOSITIONS OF SENSITIVE ACTIVE MATERIALS IN AN AT LEAST PARTIALLY AMORPHOUS STATE	:	

This is a decision on applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 15 August 2007, which was accompanied by a declaration of the inventors. The indication in this declaration that joint inventor Gerald Adams is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 28 February 2005, applicants filed international application PCT/GB2005/000742, which designated the United States and claimed a priority date of 01 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 15 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 September 2006.

On 01 September 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 11 May 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 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 were required.

On 15 August 2007, applicants filed the instant submission which was accompanied by,

inter alia, a declaration of the inventor, the surcharge under 37 CFR 1.492(h), and a petition/fee for a one-month extension of time. The indication in the declaration that inventor Gerald Adams is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 15 August 2007 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 15 August 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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.

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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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

Mail Date: 04/21/2010

Applicant	: Marcel Pluss	: DECISION ON REQUEST FOR
Patent Number	: 7598872	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/591,415	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/01/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **329** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

5 MAY 2010

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET N.W.
SUITE 1200
WASHINGTON DC 20006-1109

In re Application of	:	DECISION
FROHBERG et al.	:	
Application No.: 10/591,419	:	
PCT No.: PCT/EP2005/002454	:	
Int. Filing Date: 04 March 2005	:	
Priority Date: 05 March 2004	:	
Attorney Docket No.: 65084.000020	:	
For: METHODS FOR IDENTIFYING	:	
PROTEINS WITH STARCH	:	
PHOSPHORYLATING ENZYMATIC ACTIVITY	:	

This decision is in response to applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 02 September 2008, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 04 March 2005, applicant filed international application PCT/EP2005/002454 which designated the US and claimed a priority date of 05 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 13 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 September 2006 (09 September 2006 being a Saturday).

On 01 September 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 22 February 2008, the United Stated 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 a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 09 May 2008, applicants filed a submission including a copy of a declaration of inventors.

On 20 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 09 May 2008.

On 02 September 2008, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition requests in effect that the file history of the instant application be amended to indicate that no Small Entity Statement has been filed. As noted by applicants in the petition, a Small Entity Statement was not filed in the instant application. Accordingly, the transaction description of "Small Entity Statement (37 CFR 1.27)" in the file for the instant application dated 09 May 2008 has been removed. Additionally, that portion of the NOTIFICATION OF MISSING REQUIREMENTS mailed 20 June 2008 indicating that a Small Entity Statement was filed on 09 May 2008 is hereby VACATED.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

For the reasons set forth above, that portion of the NOTIFICATION OF MISSING REQUIREMENTS mailed 20 June 2008 indicating that a Small Entity Statement was filed on 09 May 2008 is VACATED.

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.

This application is being returned to the Technology Center.

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

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, PC
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED

APR 16 2009

OFFICE OF PETITIONS

In re Application of
Hideo Aoki, et al.
Application No. 10/591,455
Filed: September 1, 2006
Attorney Docket No. 295957US0PCT

: 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 April 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 20, 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 1796 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

---

[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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0 8 MAY 2007

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

In re Application of COHEN et al	:	
U.S. Application No.: 10/591,538	:	
PCT Application No.: PCT/IB2005/000896	:	
Int. Filing Date: 04 March 2005	:	DECISION
Priority Date Claimed: 04 March 2004	:	
Attorney Docket No.: 065691-0466	:	
For: PREPARATION OF RECOMBINANT ROTAVIRUS PROTEINS IN MILK. . .	:	

This is in response to the declaration filed 01 September 2006, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 04 March 2005, applicant filed international application PCT/IB2005/000896, which claimed priority of an earlier European Patent Office application filed 04 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 15 September 2005. The thirty-month period for paying the basic national fee in the United States expired on 04 September 2006.

On 01 September 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 the present request for status under 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

In the present case, the declaration states that inventor Jean Cohen is deceased. However, the declaration is not executed by the legal representative of the deceased.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of this decision is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

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 executed by the legal representative of the deceased inventor must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

28 JAN 2009

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

In re Application of COHEN et al	:	
U.S. Application No.: 10/591,538	:	
PCT Application No.: PCT/IB2005/000896	:	
Int. Filing Date: 04 March 2005	:	DECISION
Priority Date Claimed: 04 March 2004	:	
Attorney Docket No.: 065691-0466	:	
For: PREPARATION OF RECOMBINANT ROTAVIRUS PROTEINS IN MILK. . .	:	

This is in response to the declaration filed 23 June 2008, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 04 March 2005, applicant filed international application PCT/IB2005/000896, which claimed priority of an earlier European Patent Office application filed 04 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 15 September 2005. The thirty-month period for paying the basic national fee in the United States expired on 04 September 2006.

On 01 September 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 09 April 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated that an oath or declaration under 37 CFR 1.497 must be submitted.

On 23 June 2008, applicant filed the present request for status under 37 CFR 1.42 along with executed declarations.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

In the present case, the declaration executed by Serge Cohen states that inventor Jean Cohen is deceased. This declaration is improper because it fails to list all of the inventors as required by 37 CFR 1.497(a)(3). Specifically, the declaration fails to list inventors Soler, Houdebine, Schwartz-Cornil, Forgeux, Parez, and Garbarg-Chenon. This declaration is further defective because it fails to list the citizenship of one of the inventor Jean Cohen as required by 37 CFR 1.497(a)(3) and the legal representative Serge Cohen as required by 37 CFR 1.497(b)(2). Applicant is advised that a single indication of citizenship in the signature block cannot be used for both the deceased inventor and the legal representative. The declaration executed by inventors Soler, Houdebine, Schwartz-Cornil, Forgeux, Parez, and Garbarg-Chenon is improper because it fails to list all of the inventors as required by 37 CFR 1.497(a)(3). Specifically, the declaration fails to list inventor Cohen.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of this decision is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. 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 Request for Status Under 37 CFR 1.42".

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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2 0 OCT 2009

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SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

In re Application of COHEN et al :
U.S. Application No.: 10/591,538 :
PCT Application No.: PCT/IB2005/000896 :
Int. Filing Date: 04 March 2005 : DECISION
Priority Date Claimed: 04 March 2004 :
Attorney Docket No.: 065691-0466 :
For: PREPARATION OF RECOMBINANT :
ROTAVIRUS PROTEINS IN MILK. . . :

This is in response to the renewed request for status under 37 CFR 1.42 filed 19 August 2009.

BACKGROUND

On 04 March 2005, applicant filed international application PCT/IB2005/000896, which claimed priority of an earlier European Patent Office application filed 04 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 15 September 2005. The thirty-month period for paying the basic national fee in the United States expired on 04 September 2006.

On 01 September 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 09 April 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated that an oath or declaration under 37 CFR 1.497 must be submitted.

On 23 June 2008, applicant filed a request for status under 37 CFR 1.42 along with executed declarations.

On 28 January 2009, this Office mailed a decision dismissing the 23 June 2008 request for status.

On 19 August 2009, applicant filed the present renewed request for status under 37 CFR 1.42 along with a newly executed declaration.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 19 August 2009 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 04 March 2005, and a date under 35 U.S.C. 371(c) of 19 August 2009.

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

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OFFICE OF PETITIONS

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

In re Application of :
Takahiko Yoshida, et al. :
Application No.: 10/591,539 : ON PETITION
Filed: November 15, 2007 :
Attorney Docket No.: 2691-000055/US :

This is a decision on the petition, filed April 26, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 19, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3662 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

0 8 APR 2008

JONES DAY
222 EAST 41ST STREET
NEW YORK NY 10017-6702

In re Application of	:	
FORRER, et al.	:	
U.S. Application No.: 10/591,547	:	DECISION ON PETITION
PCT No.: PCT/IB04/01882	:	
Int. Filing Date: 09 June 2004	:	UNDER 37 CFR 1.497(d)
Priority Date: 07 March 2003	:	
Attorney Docket No.: 8932-1318-999	:	
For: CONTAINER AND CARRIER SYSTEM	:	

This decision is in response to applicant's "Petition to Correct Inventorship Under 37 C.F.R. §1.48(a)" filed 06 July 2007 in the United States Patent and Trademark Office (USPTO). The petition is being treated under 37 CFR 1.497(d). Applicant has provided payment of the $130.00 petition fee.

BACKGROUND

On 09 June 2004, applicant filed international application PCT/IB04/01882 which claimed priority to an earlier application filed 07 March 2003. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 06 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 September 2006.

On 01 September 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; an English translation of the international application as filed; a substitute specification and a first preliminary amendment.

On 17 May 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 executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 06 July 2007, applicant responded with the present petition.

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 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) the fee set forth in 37 CFR 1.17(h); and

(3) 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); and

(4) any new oath or declaration required by paragraph (f) of this section.

Applicant has satisfied items 1 and 2. Item 3 does not apply to the instant application.

Regarding item 4, applicant has included a combined declaration and power of attorney signed by the two inventors listed on the published international application, as well as, the inventor being added, Ms. Karina Candrian. However, there is a discrepancy as to the name of the first named inventor. The published international application identifies the inventor as Ruth Forrer while the declaration lists and has been signed by Ruth Iaconi-Forrer. As such, the declaration cannot be accepted at this time.

As explained in the Manual of Patent Examining Procedure (MPEP) section 605.04(c):

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. 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.

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
Tel: (571) 272-3294
Fax: (571) 273-0459

22 JUL 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-289

In re Application of	:	
FORRER, et al.	:	DECISION ON PETITIONS
U.S. Application No.: 10/591,547	:	
PCT No.: PCT/IB04/01882	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 09 June 2004	:	
Priority Date: 07 March 2003	:	AND 37 CFR 1.182
Attorney Docket No.: SYNT-0271	:	
For: CONTAINER AND CARRIER SYSTEM	:	

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.497(d)" filed 17 July 2008 in the United States Patent and Trademark Office (USPTO). The issue relating to the spelling and identification of inventor Ruth Iaconi-Forrer nee Forrer is being treated as a petition under 37 CFR 1.182. As authorized the $400.00 petition fee will be charged to deposit account number 23-3050.

BACKGROUND

On 08 April 2008, 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 17 July 2007, applicant responded with the present petition accompanied by a petition for a two-month extension of time. The response is considered timely filed.

DISCUSSION

I. Petition Under 37 CFR 1.182

The published international application identified the inventor as Ruth Forrer while the declaration lists and has been signed by Ruth Iaconi-Forrer. Applicant has presently filed a petition under 37 CFR 1.182 to change the inventor's name to Ruth Iaconi-Forrer. The present petition is accompanied by a declaration setting forth the procedure whereby the change of name was effected; namely by marriage. The declaration is executed by Mrs. Iaconi-Forrer identifying her current married name and her maiden name. As such, it is appropriate to grant applicant's petition at this time.

II. Renewed Petition Under 37 CFR 1.497(d)

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 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) the fee set forth in 37 CFR 1.17(h); and

(3) 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); and

(4) any new oath or declaration required by paragraph (f) of this section.

As detailed in the decision mailed 08 April 2008, applicant previously satisfied items 1 and 2 while Item 3 did not apply to the instant application.

Regarding item 4, applicant has presently clarified the discrepancy as to the correct name of inventor Iaconi-Forrer through the accompanying petition under 37 CFR 1.182 perfecting the declaration filed 06 July 2007 and satisfying the remaining item.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.182 and renewed request under 37 CFR 1.497(d) are **GRANTED**.

This application has an international application filing date of 09 June 2004 and will be given a date of **06 July 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
Tel: (571) 272-3294
Fax: (571) 273-0459

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BALLARD SPAHR ANDREWS
& INGERSOLL, LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

COPY MAILED
MAR 02 2009
OFFICE OF PETITIONS

In re Application of :
Mayadunne, et al. :
Application No. 10/591,606 : DECISION
Filed/371(c) Date: 29 March, 2007 :
Attorney Docket No. 23292.0004U1 :

This is a decision on the petition under 37 C.F.R. §1.182, filed on 9 January, 2008,to change the order of the names of the inventors.

The petition is **DISMISSED**.

The guidance in the Commentary at MPEP §605.04(f) provides, in pertinent part:

> **§605.04(f)Signature on Joint Applications - Order of Names [R-3]**
>
> The order of names of joint patentees in the heading of the patent is taken from the order in which the typewritten names appear in the original oath or declaration. Care should therefore be exercised in selecting the preferred order of the typewritten names of the joint inventors, before filing, as requests for subsequent shifting of the names would entail changing numerous records in the Office. 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 C.F.R. §1.182 is granted. The petition should be directed to the attention of the Office of Petitions. The petition to change the order of names must be signed by either the attorney or agent of record or all the applicants. Applicants are strongly encouraged to submit an application data sheet showing the new order of inventor names to ensure appropriate printing of the inventor names in any patent to issue. It is suggested that all typewritten and signed names appearing in the application papers should be in the same order as the typewritten names in the oath or declaration. (Emphasis supplied.)
>
> ***

The petition herein is signed by former/then-Counsel herein Eric Wright (Reg. No. 48,045), who seeks the following order of inventors: Mayadunne, Gunatillake and Adhikari.

At this writing Office records reflect that order of the named inventors—and a copy of the filing receipt (reflecting that information) mailed on 19 June, 2007, (a date prior to the filing of the petition) is enclosed.

CONCLUSION

Thus petition is **dismissed as moot**.

This application is released to Technology Center AU 1796 for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Enc.: Filing receipt of 19 June, 2007

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/591,606	03/29/2007	1645	1630	4749-7003	18	6

CONFIRMATION NO. 2510

27123
MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY10281-2101

FILING RECEIPT

Date Mailed: 06/19/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Roshan Tyrrell Anton Mayadunne, Victoria, AUSTRALIA;
Pathiraja Arachchilage Gunatillake, Victoria, AUSTRALIA;
Raju Adhkari, Wheelers Hill, AUSTRALIA;

Power of Attorney: The patent practitioners associated with Customer Number 27123

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/AU05/00306 03/03/2005

Foreign Applications

AUSTRALIA 2004901109 03/03/2004

If Required, Foreign Filing License Granted: 06/17/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/591,606**

Projected Publication Date: 09/27/2007

Non-Publication Request: No

Early Publication Request: No

Title

Polymer Compositions for Dual or Multi Staged Curing

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

1 8 JUN 2008

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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

In re Application of IENI	:	
U.S. Application No.: 10/591,608	:	
PCT Application No.: PCT/US2005/007274	:	
Int. Filing Date: 04 March 2005	:	DECISION
Priority Date Claimed: 05 March 2004	:	
Attorney Docket No.: 61368-233549	:	
For: CADASIL TREATMENT WITH CHOLINESTERASE INHIBITORS	:	

This is in response to applicant's "Petition and Fee to Delete and/or Add to Original Erroneously Named or Not Named Inventor(s) (37 C.F.R. § 1.497(d))" filed 26 December 2007.

BACKGROUND

On 04 March 2005, applicant filed international application PCT/US2005/007274, which claimed priority of an earlier United States application filed 05 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 05 September 2006.

On 05 September 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 22 May 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 26 December 2007, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Raymond Pratt should be added as an inventor and that John Ieni should be deleted as an inventor.

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.

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, the petition fails to state whether the application has been assigned by the original named inventor. In the event of such an assignment, written consent of the assignee must be provided. Any assignment of the application must be demonstrated by supplying a copy of the assignment agreement or specifying by reel and frame number where such assignment information is recorded.

With regard to item (4) above, a new declaration is not required.

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

2 0 AUG 2008

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In re Application of IENI	:	
U.S. Application No.: 10/591,608	:	
PCT Application No.: PCT/US2005/007274	:	
Int. Filing Date: 04 March 2005	:	DECISION
Priority Date Claimed: 05 March 2004	:	
Attorney Docket No.: 61368-233549	:	
For: CADASIL TREATMENT WITH CHOLINESTERASE INHIBITORS	:	

This is in response to applicant's "Renewed Petition Under 37 CFR 1.497(d)" filed 07 August 2008.

BACKGROUND

On 04 March 2005, applicant filed international application PCT/US2005/007274, which claimed priority of an earlier United States application filed 05 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 05 September 2006.

On 05 September 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 22 May 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 26 December 2007, applicant filed a petition under 37 CFR 1.497(d).

On 18 June 2008, this Office mailed a decision dismissing the 26 December 2007 petition.

On 07 August 2008, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Raymond Pratt should be added as an inventor and that John Ieni should be deleted as an inventor.

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 (4) above.

With regard to item (3) above, the renewed petition states that the application has not been assigned by the original named inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 04 March 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 26 December 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

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ALEXANDRIA, VA 22313-1450
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31 MAR 2008

Gary M. Nath
NATH & ASSOCIATES PLLC
112 South West Street
Alexandria, VA 22314

In re Application of	:	DECISION ON
McStay et al	:	
PCT No.: PCT/EP2005/002270	:	
Application No: 10/591,611	:	
Int. Filing Date: 02 March 2005	:	PETITION UNDER
Priority Date: 05 March 2004	:	
Attorney's Docket No.: 27667U	:	
For: FLUOROMETER	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a) FOR FILING WHEN AN INVENOTR REFUSES TO SIGN" filed on 15 October 2007. The petition fee of $200.00 has been paid by check.

BACKGROUND

On 02 March 2005, petitioner filed international application PCT/EP2005/002270, which claimed priority to an earlier application filed 05 March 2004.

On 05 September 2006, petitioner filed in the United States Patent & Trademark Office a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed oath or declaration accompanied the above papers.

On 14 May 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... is not executed in accordance" must be submitted within two (2) months from the date mailing or by 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment.

On 15 October 2007, petitioner filed the present petition, a declaration in support of filing on behalf of nonsigning inventors Anton FORTE and Terrence GREENAWAY accompanied, inter alia, an executed Declaration without their signatures.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a):

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

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

> **REFUSAL TO JOIN:**
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

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

Petitioner has satisfied requirements (1) - (4) of 37 CFR 1.47(a).

Regarding requirement (1), petitioner has provided the fee under 37 CFR 1.17(h).

Regarding requirement (2), in this case, it has been sufficiently demonstrated as shown by the declaration of Alan WALLACE that a copy of the application papers mailed and received by non-signing inventors, and that they (Anton Forte on July 24 and Terry Greenaway on July 25, 2007) contacted Mr. WALLACE and they refused to sign the form.

Regarding requirement 3, petitioner has provided a statement of the last known address of the missing inventor.

Mr. Anton FORTE
9 Watermead Avenue
Greyabbey
Co Down BT22 2XA United Kingdom

Mr. Terry GREENWAY
14 Gilnahirk Rise
Belfast, BT5 7DT United Kingdom

Regarding requirement 4, petitioner has provided an executed declaration signed by Daniel McSTAY and Khalid THABETH on their behalf and on the behalf of the nonsigning joint inventors Anton FORTE and Terry GREENWAY.

Petitioner has satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

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

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **15 October 2007.**

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

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jayadeep R Deshmukh
458 Cherry Hill Road
Princeton NJ 08540

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of :
De Nora, et al. : DECISION ON PETITION
Application No. 10/591,634 :
Filed: September 5, 2006 :
Atty. Dkt. No.: MOLO679 :

This decision is in response to the petition under 37 CFR 1.137(b), filed March 3, 2010.

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

The application became abandoned July 9, 2008 for failure to timely submit a proper reply to the non-final Office action mailed April 8, 2008. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed November 10, 2008.

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 has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, this application is being forwarded to the Technology Center 1700 for further action.

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAYADEEP R DESHMUKH
458 CHERRY HILL ROAD
PRINCETON NJ 08540

MAILED

APR 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Nguyen et al.	:	
Application No. 10/591,635	:	DECISION ON PETITION
Filed: September 5, 2006	:	
Attorney Docket No. MOLO681	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 12, 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 March 30, 2009, as required by the Notice of Allowance and Fee(s) Due mailed December 30, 2008. Accordingly, the date of abandonment of this application is March 31, 2009. A Notice of Abandonment was mailed April 27, 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 $1,510.00 and publication fee of $300.00; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAY DESHMUKH
458 CHERRY HILL ROAD
PRINCETON NJ 08540

MAILED

MAY 06 2010

OFFICE OF PETITIONS

In re Application of
Vittorio De Nora et al.
Application No. 10/591,636
Filed: September 5, 2006
Attorney Docket No: MOL0682

ON PETITION

This is a decision on the petition filed March 11, 2010 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed April 2, 2008. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned July 3, 2008. Accordingly, a Notice of Abandonment was mailed November 10, 2008.

This matter is being referred to Technology Center 1795 for appropriate action on the amendment filed March 11, 2010.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

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

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

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

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

0 4 FEB 2008

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of	:	
NI et al.	:	
Application No.: 10/591,639	:	DECISION
PCT No.: PCT/EP2005/003084	:	
Int. Filing Date: 07 March 2005	:	
Priority Date: 05 March 2004	:	
Attorney's Docket No.: 037256.58133US	:	
For: MAGNETIC FIELD ADJUSTING DEVICE	:	

This decision is in response to applicants' petition under 37 CFR 1.182 to change the order of names of the joint inventors filed 14 January 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 07 March 2005, applicant filed international application PCT/EP2005/003084, which designated the U.S. and claimed a priority date of 05 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 29 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 September 2006.

On 05 September 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 and an Application Data Sheet listing the inventors in the order they appear in the published international application.

On 03 May 2007, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 13 June 2007, applicant filed a submission which was accompanied by, *inter alia*, a declaration of inventors.

On 01 August 2007, 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 13 June 2007.

On 14 January 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 14 January 2008 requests that order of the names of the inventors be changed to list Cheng NI as the first named inventor, Ting Qiang XUE as the second named inventor, and Jin Jun CHEN as the third 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 is $400. Applicant submitted $130. The balance has been charged to Deposit Account 05-1323. 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

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.
10/591,646	03/24/2009	Patrick Kaltenbach	20031343-03	3281

7590 11/30/2009

AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER	
ART UNIT	PAPER NUMBER
2831	
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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,670	06/15/2007	Yosuke Tatsuzaki	1966.1001	3118

7590 05/07/2010

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

EXAMINER	
ART UNIT	PAPER NUMBER
2851	
MAIL DATE	DELIVERY MODE
05/07/2010	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.

Tomi Farmer

Patent Publication Branch
Office of Data Management

02 OCT 2006

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BIRCH, STEWART, KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of :
JOHANNSSON *et al* :
U.S. Application No.: 10/591,675 :
PCT No.: PCT/IS2004/000016 :
Int. Filing Date: 04 October 2004 :
Priority Date: 03 October 2003 :
Attorney Docket No.: 3535-0148PUS1 :
For: A WATER FILTRATION SYSTEM AND ITS USE :

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

Applicants' petition to revive under 37 CFR 1.137(b) filed on 01 September 2006 is hereby **GRANTED** as follows:

The basic national fee and the petition fee have been paid. Applicants make the required statement pursuant to 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 in compliance with 37 CFR 1.497(a) and (b) was provided.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 04 October 2004, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 01 September 2006.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York, NY 10036

Mail Date: 04/21/2010

Applicant	: Ishai Ilani	: DECISION ON REQUEST FOR
Patent Number	: 7606315	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/591,695	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **161** 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 OCT 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
www.uspto.gov

SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND OR 97204

In re Application of
BERGER
Application No.: 10/591,699
PCT No.: PCT/EP2004/014124
Int. Filing Date: 09 December 2004
Priority Date: 11 December 2003
Attorney Docket No.: 114897-147013
For: SUPPORTING FRAME FOR A MONITORING SCALE

: DECISION

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 05 September 2006.

BACKGROUND

On 09 December 2004, applicants filed international application PCT/EP2004/014124, which designated the U.S. and claimed a priority date of 11 December 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 23 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 June 2006 (11 June 2006 being a Sunday).

On 05 September 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 English translation of the international application, the processing fee for providing the English translation later than thirty months from the priority date, 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 05 September 2006.

As to item (2), applicant submitted the petition fee on 05 September 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 surcharge under 37 CFR 1.492(h) of $130 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 No. 500393.

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

10/05/2006 SBASHEIR 00000002 500393 10591699
01 FC:1618 130.00 DA

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

Mail Date: 04/21/2010

Applicant	: Masayuki Sassa	: DECISION ON REQUEST FOR
Patent Number	: 7623781	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/591,717	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **477** 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.
10/591,720	09/05/2006	Megumi Akiyama	TOYA115.017APC	1421

7590 02/29/2008

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

EXAMINER	
KOSAR, AARON J	
ART UNIT	PAPER NUMBER
1651	
NOTIFICATION DATE	DELIVERY MODE
02/29/2008	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☒ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

L Fletcher
Patent Publication Branch
Office of Data Management

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HOLLANDER LAW FIRM, PLC
SUITE 305
10300 EATON PLACE
FAIRFAX, VA 22030

COPY MAILED
OCT 01 2008

Applicant: Saitou
Appl. No.: 10/591,722
International Filing Date: March 10, 2005
Title: AMINE-BASED COMPOUND AND USE THEREOF
Attorney Docket No.: MO3G-P100
Pub. No.: 2007/0208007 A1
Pub. Date: September 6, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 2, 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 date of the benefit claim data to the Japanese application is erroneously printed as March 12, 2004 rather than the correct date of December 3, 2004.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in the benefit claim to the Japanese Application on the front page of the publication is an Office mistake, in that the correct date should be December 3, 2004 rather than the printed March 12, 2004, but it is not a material mistake as required by 37 CFR 1.221(b). The error in the foreign priority claim 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 specification and claims were accurately published, thus one can read and understand the content of the application. The error

[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).

also does not affect the use of the patent application publication as a prior art reference, because the foreign priority date is not useable as a reference date. Additionally the correct date is found in the oath.

On May 29, 2007, a Filing Receipt was mailed by the Office, which improperly listed the priority claim. 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.

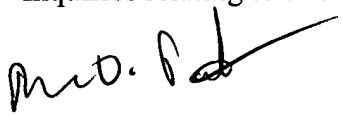
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the 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

2 2 MAY 2008

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TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111

In re Application of ALLEY
Application No.: 10/591,743
PCT No.: PCT/US05/07239
Int. Filing: 02 March 2005
Priority Date: 02 March 2004
Attorney Docket No.:018891-000720US
For: PARTIALLY LOADED ANTIBODIES AND METHODS OF THEIR CONJUGATION

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 19 May 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 this 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 $155 has now been provided. The required petition fee of $770 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

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0 9 JUN 2010

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08791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040

In re Application of :
IGARASHI *et al* :
U.S. Application No.: 10/591,745 :
PCT No.: PCT/JP2005/003139 :
Int. Filing Date: 25 February 2005 : **DECISION**
Priority Date: 04 March 2004 :
Attorney Docket No.: 96790P553 :
For: COATING APPARATUS FOR OPTICAL LENS :

This decision is in response to the "Petition Under Rule 1.182 to Correct International Application Number" filed on 12 March 2010.

BACKGROUND

On 30 August 2006, applicants filed a national stage application listing the international application number on the transmittal letter (Form PTO-1390) as PCT/JP2005/0033139. An executed declaration was also filed at the same time; the international application was listed as PCT/JP2005/003139. The USPTO processed the application as the national stage of PCT/JP2005/033139.

On 26 March 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and filing receipt. The international application was listed as PCT/JP2005/033139 on both forms.

On 12 March 2010, applicants filed a petition to change the underlying PCT application in the above-identified national stage application.

DISCUSSION

Applicants petition to correct the PCT number in the above-captioned national stage application to PCT/JP2005/003139. Applicants state that the transmittal letter had a typographical error incorrectly identified the underlying PCT application as PCT/JP2005/0033139. Despite this error, petitioners argue that the national phase application as filed is sufficient to identify the correct international application number.

This request is treated as a petition under 37 CFR 1.182. The $400.00 petition

fee has been paid.

A review of the above-captioned application verifies that the wrong PCT number was designated on the transmittal letter. All other indications on the transmittal letter including the name of the first inventor, the title, and the international filing date correspond to PCT/JP2005/003139. Applicants also included a copy of PCT/JP2005/003139 with the national stage papers, as well as several international forms from PCT/JP2005/003139. In addition, the declaration clearly identifies the underlying international application as PCT/JP2005/003139 and the inventors who signed the declaration are listed as the inventors for PCT/JP2005/003139.

As such, it is clear that the subject application was intended to be filed as the national stage of PCT/JP2005/003139.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

Office records have been updated to reflect that the subject application is the national stage of PCT/JP2005/003139.

The Form PCT/DO/EO/903 and filing receipt mailed 26 March 2008 both misidentify the international application number, and are hereby **VACATED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing including mailing a corrected Form PCT/DO/EO/903 and filing receipt listing the international application as PCT/JP2005/003139.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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25 SEP 2006

DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON DC 20005

In re Application of:	:	
PIHSTROM, Anund	:	DECISION ON PETITION
U.S. Application No.: 10/591,764	:	UNDER 37 CFR 1.137(b)
Int'l Application No: PCT/SE2005/000142	:	
Int'l Filing Date: 03 February 2005	:	
Priority Date: 03 February 2004	:	
Atty Docket No.: 66352-049-2	:	
For: A GREASE AND OIL ABSORBENT	:	

The petition to revive under 37 CFR 1.137(b) filed 01 September 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" satisfies the requirement of 37 CFR 1.137(b)(3).

Applicant has now submitted the basic national fee, and the requirements of 37 CFR 1.137(b) have been satisfied. 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

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21 APR 2008

25628
LAW OFFICES OF WILLIAM H. HOLT
12311 Harbor Drive
Woodbridge, VA 22192

In re Application of :
McCAUSLAND *et al* :
U.S. Application No.: 10/591,795 :
PCT No.: PCT/GB2005/00812 :
Int. Filing Date: 03 March 2005 :
Priority Date: 06 March 2004 : **DECISION**
Attorney Docket No.: McCAUSLAND-15819 :
For: REMOVAL OF SODIUM OXALATE :
FROM A BAYER LIQUOR :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 12 October 2007.

BACKGROUND

On 10 May 2007, 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 the surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 12 October 2007, applicants filed the subject response which was accompanied by, *inter alia*, a three-month extension and fee; a declaration signed by one of the two joint inventors on behalf of the nonsigning inventor; a surcharge fee; a petition fee; and a copy of a letter dated 20 March 2007.

DISCUSSION

Applicants claim that co-inventor, Linda McCausland 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 refuse 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 inventor on their behalf and on behalf of the nonsigning joint inventor. Items (1), (3) and (4) are satisfied in the petition.

Applicants submitted a $200.00 petition fee. The declaration lists the last known

address of the nonsigning inventor. An executed declaration signed by one of the two named inventors was submitted. This declaration meets the requirements of section 409.03(a) of the MPEP and complies with 37 CFR 1.497(a) and (b).

Regarding item (2), the 37 CFR 1.47(a) applicants have submitted a letter from Peter Mansfield, a Chartered Patent Attorney in the U.K. who claims that the nonsigning inventor's actions demonstrate that she is not cooperating in the subject application.

Section 409.03(d) II of the MPEP requires that when the 37 CFR 1.47 applicants conclude that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be provided in a statement of facts. Here, the 37 CFR 1.47(a) applicants have not provided a statement of facts as required. The letter by Mr. Mansfield is not sufficient for this purpose. Moreover, the 37 CFR 1.47(a) applicants must also show that a complete copy of the application, including specification, claims and drawings was presented to the nonsigning inventor for a refusal to be accepted. In the petition, the 37 CFR 1.47(a) applicants have not provided any documentary evidence that a complete copy of the application was forwarded and received by Ms. McCausland. Petitioners must make such a showing for a refusal to be accepted.

For these reasons, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

13 AUG 2008

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LAW OFFICES OF WILLIAM H. HOLT
12311 Harbor Drive
Woodbridge, VA 22192

In re Application of :
McCAUSLAND *et al* :
U.S. Application No.: 10/591,795 :
PCT No.: PCT/GB2005/00812 :
Int. Filing Date: 03 March 2005 :
Priority Date: 06 March 2004 : **DECISION**
Attorney Docket No.: McCAUSLAND-15819 :
For: REMOVAL OF SODIUM OXALATE :
FROM A BAYER LIQUOR :

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 24 June 2008.

BACKGROUND

On 21 April 2008, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 24 June 2008, applicants filed the renewed petition which was accompanied by, *inter alia*, a declaration of facts by Peter Mansfield and assorted documentary evidence in support of the petition.

DISCUSSION

As previously noted, a petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing 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.

Item (2) was not satisfied in the initial petition as the 37 CFR 1.47(a) applicants did not provide a statement of facts from the person who presented the application papers as required by the MPEP. Moreover, the 37 CFR 1.47(a) applicants did not show that a complete copy of the application, including specification, claims and drawings was given to the nonsigning inventor.

In the renewed response, the 37 CFR 1.47(a) applicants submitted a declaration of facts by Peter T. Mansfield, a Chartered Patent Attorney in the U.K. as requested detailing the efforts to obtain the signature of Linda McCausland. Mr. Mansfield

included sufficient documentary evidence to corroborate the details given in the statement of facts.

Regarding the failure to show that a complete copy of the application, including specification, claims and drawings was given to the nonsigning inventor, Mr. Mansfield noted that the original PCT application including claims and drawings was sent to each inventor. Since the PCT application became the national stage document submitted for filing, Mr. Mansfield did not send a "second copy of the specification" along with the declaration for signature, "as each inventor already had a copy."

Applicants' argument on this regard has been carefully considered and dismissed. Section 409.03(d)(II) of the MPEP requires that a copy of the application be presented to each inventor for a refusal to be accepted. 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). The inventor is required to execute the declaration under penalty of law stating that he or she has reviewed the specification, including the claims and any amendments of the application.

Here, it is not reasonable to expect that the inventor sign the declaration when the papers presented do not include a complete copy of the current application to which the declaration is directed. It is also not reasonable to expect that each inventor has (at hand) a copy of the original PCT application to review if the international application was given to them months ago.

Petitioner must provide a complete copy of the subject application, including specification, claims, declaration and drawings to Ms. McCausland for the refusal to be accepted. Failure to reply by the nonsigning inventor after a reasonable period would constitute a reasonable basis to conclude that a refusal has occurred. Documentary evidence of this presentation is also required in any renewed petition.

For this reason, item (2) of 37 CFR 1.47(a) is still not yet satisfied.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available.

The change of the last known address of Ms. McCausland has been noted.

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.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

11 DEC 2008

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12311 Harbor Drive
Woodbridge, VA 22192

In re Application of :
McCAUSLAND *et al* :
U.S. Application No.: 10/591,795 :
PCT No.: PCT/GB2005/00812 :
Int. Filing Date: 03 March 2005 :
Priority Date: 06 March 2004 : **DECISION**
Attorney Docket No.: McCAUSLAND-15819 :
For: REMOVAL OF SODIUM OXALATE :
FROM A BAYER LIQUOR :

This decision is in response to applicants' second renewed petition under 37 CFR 1.47(a) filed 15 October 2008.

BACKGROUND

On 13 August 2008, a decision dismissing applicants' renewed petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 15 October 2008, applicants filed a second renewed petition which was accompanied by, *inter alia*, a declaration by Peter Mansfield, a copy of a letter sent to the nonsigning inventor and a copy of shipping receipt for the aforementioned letter.

On 10 December 2008, applicants verified that they have still not been contacted by the nonsigning inventor.

DISCUSSION

In the second renewed petition, the 37 CFR 1.47(a) applicants have provided evidence showing that a complete copy of the application, including specification, claims and drawings was provided to Linda Jane McCausland on 08 September 2008. After a request from the undersigned, petitioners verified that Ms. McCausland has still not responded to their request to cooperate as of 10 December 2008. This conduct constitutes a refusal to cooperate as contemplated by § 409.03(d)(II) of the MPEP.

All requirements of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' second renewed petition under 37 CFR 1.47(a) is **GRANTED**.

10/591,795

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 03 March 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 12 October 2007.

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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11 DEC 2008

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Linda Jane McCausland
20 Shephard Gardens
Abingdon
Oxfordshire OX14 5PR
United Kingdom

In re Application of
McCAUSLAND *et al*
U.S. Application No.: 10/591,795
PCT No.: PCT/GB2005/00812
Int. Filing Date: 03 March 2005
Priority Date: 06 March 2004
Attorney Docket No.: McCAUSLAND-15819
For: REMOVAL OF SODIUM OXALATE
FROM A BAYER LIQUOR

Ms. McCausland:

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

LAW OFFICES OF WILLIAM H. HOLT
12311 Harbor Drive
Woodbridge, VA 22192

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Date Mailed : June 7, 2010

Patent No. : 7674219
Serial No. : 10/591799
Patent Issued :March 9, 2010
Docket No. :DEVICE AND METHOD FOR PRODUCING CONTAINER BLANKS

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) 37 CFR 1.322.

Review of applicants' request to change data from that which appears on the printed patent at item (30) Foreign Application Priority Data has revealed the modification unwarranted since the printed patent reflects the recommended presentation pertaining to the Sweden application from which applicant claims priority.

In view of the forgoing applicants request this matter is hereby denied. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756- 1541

Paul C. Lewis
Birch, Steward, Kolasch & Birch, LLP
8110 Gatehouse Road
Ste 100 East
P.O. Box 747
Falls Church, VA 22010-0747

/arg

0 3 JUL 2008

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Law Offices of James E Eakin
P O Box 1250
Menlo Park, CA 94025

In re Application of	:	
DOWLATABADI, Ahmad, B.	:	
Application No.: 10/591,810	:	DECISION
PCT No.: PCT/US2004/011068	:	
Int. Filing Date: 09 April 2004	:	ON PETITION UNDER
Priority Date: 22 April 2003	:	
Docket No.: AIV-1001	:	37 CFR 1.137(b)
For: CONTROL LOOP FOR SWITCHING POWER CONVERTERS	:	

Applicant's "Petition For Revival of an International Application For Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b)," filed in the above-captioned application on 28 April 2008 is **GRANTED**.

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The appropriate national fee and 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 of inventorship during the international phase. The fee for late filing of the search fee, examination fee or oath or declaration will be charged to deposit account no. 50-3576, as authorized.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision. The application has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 06 September 2006.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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OFFICE OF PETITIONS

DLA PIPER LLP US
P. O. BOX 2758
RESTON VA 20195

In re Application of :
Aninye, et al. :
Application No. 10/591,830 : ON PETITION
Filed: September 6, 2006 :
Atty Dckt No. 364433-000008 :

This is a decision on the "Petition to Correct Inventorship under 37 CFR 1.48(a)" filed on August 25, 2009, which is being treated as: (a) a petition under 37 CFR 1.48(a)(1) requesting that a person be added as inventor and (b) a petition under 37 CFR 1.183 waiver of the requirement under 37 CFR 1.48 that each actual inventor execute a declaration under 37 CFR 1.63.

The petition under 37 CFR 1.48 is **DISMISSED**.

The petition under 37 CFR 1.183 is also **DISMISSED**.

On September 6, 2009, the above-identified application was filed with an executed declaration naming Steve Aninye as the sole inventor.

On August 25, 2009, the instant petition was filed, whereby petitioners seek to add Yoganand Rajala as a joint inventor. Petitioners concurrently filed a petition requesting waiver of the requirement that all joint inventors execute a new declaration.

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) a petition including a statement from each person being added and each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;

(2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;

(3) the fee set forth in 37 CFR 1.17(i), and

(4) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

The petition under 37 CFR 1.48 has satisfied all of the requirements of 37 CFR 1.48 set forth above, except the requirement for a declaration under 37 CFR 1.63. The satisfaction of this requirement is addressed by the petition under 37 CFR 1.183.

Suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires." The facts presented on the record do adequately establish an extraordinary situation in that petitioner has established that inventor Aninye has refused to execute the declaration required by 37 CFR 1.48.

The petition under 37 CFR 1.183 cannot be granted because the fee for the petition in the amount of $400.00 was not present and neither was a conspicuous authorization to charge a deposit account for any deficient amount. Petitioner must remit an additional $200.00 for the petition fee in order for the petition under 37 CFR 1.183 to be granted.

The petition under 37 CFR 1.48 cannot be granted because the petition under 37 CFR 1.183 is not grantable because of the deficient fee amount.

The renewed petitions need not be accompanied by all the documentation filed with the instant petition. Petitioner need only file a cover letter indicating that the petitions under 37 CFR 1.48 and 1.183 are being renewed accompanied by an additional $200.00 for the petition under 37 CFR 1.183.

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

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

DLA PIPER LLP US
P. O. BOX 2758
RESTON VA 20195

In re Application of :
Aninye, et al. :
Application No. 10/591,830 : ON PETITION
Filed: September 6, 2006 :
Atty Dckt No. 364433-000008 :

This is a decision on the "Renewed Petition under 37 C.F.R. 1.48 & 1.183" filed on November 4, 2009.

The petition under 37 CFR 1.48 is **GRANTED**.

The petition under 37 CFR 1.183 is also **GRANTED**.

On September 6, 2009, the above-identified application was filed with an executed declaration naming Steve Aninye as the sole inventor.

On August 25, 2009, a petition was filed, whereby petitioners sought to add Yoganand Rajala as a joint inventor. Petitioners concurrently filed a petition requesting waiver of the requirement that all joint inventors execute a new declaration. The petition was dismissed by a decision mailed October 26, 2009.

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) a petition including a statement from each person being added and each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;

(2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;

(3) the fee set forth in 37 CFR 1.17(i), and

(4) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

The petition under 37 CFR 1.48 has satisfied all of the requirements of 37 CFR 1.48 set forth above, except the requirement for a declaration under 37 CFR 1.63. The satisfaction of this requirement is addressed by the petition under 37 CFR 1.183.

TREATMENT UNDER 37 CFR 1.183.

Suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires." The facts presented on the record do adequately establish an extraordinary situation in that petitioner has established that inventor Aninye has refused to execute the declaration required by 37 CFR 1.48. As such, the petition under 37 CFR 1.183 to waive the rules so as to accept the declaration under 1.63 without the signature of inventor Aninye is granted.

A corrected filing receipt is enclosed reflecting the addition of inventor Yoganand Rajala as a joint inventor.

The application file is directed to Technology Center, GAU 2617 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enlosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/591,830	09/06/2006	2617	400	364433-000008	20	4

CONFIRMATION NO. 4405

CORRECTED FILING RECEIPT

47604
DLA PIPER LLP US
P. O. BOX 2758
RESTON, VA 20195

Date Mailed: 04/01/2010

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)

Steve Aninye, Alpharetta, GA;
Yoganand Rajala, Alpharetta, GA;

Power of Attorney: The patent practitioners associated with Customer Number 47604

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US06/12754 04/06/2006 *
(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

UNITED STATES OF AMERICA 60670082 04/06/2005
UNITED STATES OF AMERICA 60678823 05/06/2005

If Required, Foreign Filing License Granted: 01/29/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/591,830**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

System and Method for Tracking, Monitoring, Collecting, Reporting and Communicating with the Movement of Individuals

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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09 JUL 2007

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

In re Application of :
Futa et al. :
Application No. 10/591,846 :
PCT No.: PCT/JP05/05136 :
Int. Filing Date: 22 March 2005 : COMMUNICATION
Priority Date: 31 March 2004 :
Att. Docket No.: 2006_1455A :
For: Computer System, Computer Program, And Addition Method :

This is in response to the declaration of the inventors filed on 05 September 2006, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 22 March 2005, claimed an earliest priority date of 31 March 2004, and designated the U.S. The International Bureau communicated a copy of the published international application to the USPTO on 20 October 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 30 September 2006. Applicants filed, *inter alia*, the basic national fee on 05 September 2006.

On 10 May 2007, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to applicants, indicating the date of this application under 35 U.S.C. 371(c)(1), (2) and (4) to be 05 September 2006.

DISCUSSION

Review of the declaration of the inventors filed on 05 September 2006 reveals that joint inventor Masato YAMAMICHI is indicated to be "deceased" and that Masami Yamamichi, Satomi Yamamichi and Keiko Yamamichi have signed in the capacity of "heir." 37 CFR 1.42 provides in part that

> 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.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

> If the person making the 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 the oath or declaration is the

legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

Further examination of the declaration filed on 05 September 2006 reveals that it identifies the citizenship of the deceased inventor and the citizenship, residence and postal address of each of the named heirs. It is noted that the last postal address and residential address of the deceased inventor have not been provided.

The declaration does not itself indicate whether the heirs who have signed are all of the heirs of the deceased inventor, nor is this indicated elsewhere in the image file wrapper for this application. In the absence of a clear indication that the declaration has been signed on behalf of the deceased inventor by all of the heirs (or by the deceased inventor's legal representative), it would not be appropriate to accept the declaration under 37 CFR 1.42.

Since the declaration has not been accepted, the Notice of Acceptance (Form PCT/DO/EO/903) mailed on 10 May 2007 was premature, and it is hereby **VACATED**.

CONCLUSION

The declaration is **NOT ACCEPTED** under 37 CFR 1.42, 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. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." 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 PCT Legal Office.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Hofland et al.	:	
Application No. 10/591,847	:	DECISION ON PETITION
Filed: January 9, 2007	:	
Attorney Docket No. BJS-620-454	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 16, 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 December 15, 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 March 16, 2010.

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

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 $1,110.00, three- month extension of time fee submitted with the petition on June 16, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card in due course.

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

This application is being referred to Technology Center AU 1623 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/28/2010

Applicant	: Byung-Cheol Lee	: DECISION ON REQUEST FOR
Patent Number	: 7671522	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/591,894	: OF WYETH
Filed	: 05/01/2007	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

02 OCT 2006

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ST. ONGE STEWARD JOHNSTON & REENS
986 BEDFORD STREET
STAMFORD, CT 06905-5619

In re Application of: DAUELSBERG et al Application No.: 10/591,906 Filing Date: 28 August 2006 Attorney Docket No.: 03345-P069A 24126 For: INTEL SYSTEM FOR AN MOCDVD REACTOR	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive patent application under 37 CFR 1.137(b), filed on 28 August 2006, is being treated as a petition to revive international application PCT/EP05/50765 abandoned under 35 U.S.C. 371(d), and is hereby **GRANTED** as to the National Stage in the United States of America as follows:

International application PCT/EP05/50765 became abandoned as to the United States of America at midnight on 25 August 2006 for failure to pay the basic national fee. The petition was filed within one year of the date of abandonment of the application.

The filing of the continuing application 10/591,906 on 28 August 2006, under 35 U.S.C. 111(a) is accepted as the appropriate response under 37 CFR 1.137(b) (See MPEP 711.03(c)). International application PCT/EP05/50765 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of continuing application number 10/591,906.

Dionne W. Mayes
PCT Legal Administration Detailee
Telephone: 571-272-6094
Facsimile: 571-273-0459

Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

02 OCT 2006

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ST. ONGE STEWARD JOHNSTON & REENS
986 BEDFORD STREET
STAMFORD, CT 06905-5619

RECEIVED
St. Onge Steward Johnston & Reens
OCT 04 2006

FILE
DKT

In re Application of: DAUELSBERG et al
Application No.: 10/591,906
Filing Date: 28 August 2006
Attorney Docket No.: 03345-P069A 24126
For: INTEL SYSTEM FOR AN MOCDVD REACTOR

3345.P0069A

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive patent application under 37 CFR 1.137(b), filed on 28 August 2006, is being treated as a petition to revive international application PCT/EP05/50765 abandoned under 35 U.S.C. 371(d), and is hereby **GRANTED** as to the National Stage in the United States of America as follows:

International application PCT/EP05/50765 became abandoned as to the United States of America at midnight on 25 August 2006 for failure to pay the basic national fee. The petition was filed within one year of the date of abandonment of the application.

The filing of the continuing application 10/591,906 on 28 August 2006, under 35 U.S.C. 111(a) is accepted as the appropriate response under 37 CFR 1.137(b) (See MPEP 711.03(c)). International application PCT/EP05/50765 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of continuing application number 10/591,906.

Dionne W. Mayes
PCT Legal Administration Detailee
Telephone: 571-272-6094
Facsimile: 571-273-0459

Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

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

Mail Date: 04/21/2010

Applicant	: Laszlo Garamszegi	: DECISION ON REQUEST FOR
Patent Number	: 7645519	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/591,917	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **609** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

27 OCT 2008

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
JUNG	:	
Application No.: 10/592,009	:	DECISION
PCT No.: PCT/KR2005/000658	:	
Int. Filing Date: 09 March 2005	:	
Priority Date: 09 March 2004	:	
Attorney's Docket No.: 6158-000004/US	:	
For: DEVICE FOR EXTRACTING PASTE CONTENTS	:	

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.181 TO WITHDRAW HOLDING OF ABANDONMENT" filed in the United States Patent and Trademark Office (USPTO) on 12 August 2008.

BACKGROUND

On 09 March 2005, applicant filed international application PCT/KR2005/00658, which designated the United States and claimed a priority date of 09 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 September 2006 (09 September 2006 being a Saturday).

On 07 September 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.

On 29 May 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 inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 10 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 to the NOTIFICATION OF MISSING REQUIREMENTS mailed 29 May 2007 within the time period set therein.

On 25 February 2008, applicants submitted the instant "PETITION UNDER 37 CFR 1.181 TO WITHDRAW HOLDING OF ABANDONMENT" and a declaration of inventors.

DISCUSSION

If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1) and (2) have been met. As to item (3), MPEP § 711.03(c), para. I.A. states that 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." Such a docket record has been provided. Thus, item (3) has been met as well.

Declaration of Inventors

The declaration of inventors filed 12 August 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 10 July 2008 is VACATED.

The 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
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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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO IL 60661

COPY MAILED

OCT 31 2006

OFFICE OF PETITIONS

In re Application of :
Ian Innes :
Application No. 10/592,020 : DECISION ON PETITION
Filed: September 7, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. SPR10150P00100US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 7, 2006ve-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 copy of applicant's birth certificate or a declaration statement signed by the applicant.

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 April Wise 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 back to the Office of Initial Patent Examination to wait further processing.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO IL 60661

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APR 2 6 2007

OFFICE OF PETITIONS

In re Application of :
Ian Innes :
Application No. 10/592,020 : DECISION ON PETITION
Filed: September 7, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. SPR10150P00100US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 2, 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 declaration statement signed by the applicant. 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 referred to the Office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

02 OCT 2006

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Alexandria, VA 22313-1450
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WESTMAN CHAMPLIN & KELLY, P.A.
Suite 1400
900 Second Avenue South
Minneapolis, MN 55402-3319

In re Application of :
LEE, Jeong-Min *et al* :
U.S. Application No.: 10/592,025 :
PCT No.: PCT/KR2005/000416 :
Int. Filing Date: 16 February 2005 :
Priority Date: 19 February 2004 :
Attorney Docket No.: L69.12-0005 :
For: STRUCTURE OF CAP HAVING STORAGE SPACE :

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

Applicants' petition to revive under 37 CFR 1.137(b) filed on 07 September 2006 is hereby **GRANTED** as follows:

The basic national fee and the petition fee for a small entity has been paid. Applicants make the required statement pursuant to 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 in compliance with 37 CFR 1.497(a) and (b) was provided.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 10 October 2003, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 07 September 2006.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

06 SEP 2007

LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

In re Application of	:	
CHO-CHUNG, Yoon	:	
Application No.: 10/592,040	:	DECISION ON
PCT No.: PCT/US05/07203	:	
Int. Filing Date: 07 March 2005	:	REQUEST
Priority Date: 08 March 2004	:	
Attorney's Docket No.: 254323	:	UNDER 37 CFR 1.42
For: AUTOANTIBODY DETECTION FOR CANCER DIAGNOSTICS	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. A review of the submission reveals an indication that inventor Yoon Cho-Chung is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 07 March 2005, applicant filed international application PCT/US05/07203, which claimed a priority date of 08 March 2004. The deadline for entry into the national stage in the United States was 08 September 2006.

On 08 September 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.

On 05 January 2007, applicant submitted a declaration of inventorship indicating that the inventor was deceased.

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 is signed by "Jane Moretz Edminsten". The declaration text indicates that the person signing is the legal representative of the deceased. However, the text identifying the signature has been stricken and rewritten to indicate that the person signing is "counsel".

Counsel is not permitted to signed an oath or declaration on behalf of an applicant. MPEP605.04(a). The attorney is either the legal representative of the deceased or the attorney is not authorized to sign the declaration.

Further, a new oath or declaration by the legal representative is required. The word "representative" was stricken and "counsel" was hand-written on the declaration. Any changes made in ink must be initialed and dated by applicant prior to execution of the oath or declaration. *Id.* The Office will not consider whether the non-initialed, non-dated alteration was made prior to or after execution. *Id.*

CONCLUSION

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

Applicant is required to submit a declaration in compliance with 37 CFR 1.497(a)-(b) and 1.42 and the surcharge for late filing of the oath or declaration within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

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

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

2 1 APR 2008

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LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

In re Application of	:	
CHO-CHUNG, Yoon	:	
Application No.: 10/592,040	:	DECISION ON
PCT No.: PCT/US2005/007203	:	
Int. Filing Date: 07 March 2005	:	REQUEST
Priority Date: 08 March 2004	:	
Attorney's Docket No.: 254323	:	UNDER 37 CFR 1.42
For: AUTOANTIBODY DETECTION FOR CANCER DIAGNOSTICS	:	

This decision is in response to applicant's renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 23 October 2007.

BACKGROUND

On 06 September 2007, the Office mailed Decision On Request Under 37 CFR 1.42, refusing applicant's request for status.

On 23 October 2007, applicant filed this renewed request under 37 CFR 1.42.

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 inventors and their citizenships and the legal representative 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 23 October 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 for continued processing.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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28 SEP 2006

Robert W. Strozier, P.L.L.C
PO Box 429
Bellaire TX 77402-0429

In re Application of :
PRESSWOOD, et al. :
Application No.: 10/592,042 : DECISION ON PETITION
PCT No.: PCT/US05/04465 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 14 February 2004 :
Priority Date: 13 February 2003 :
Attorney Docket No.: 03017/01US :
For: METHOD AND SYSTEM FOR MORPHOMETRIC ANALYSIS OF HUMAN DENTAL OCCLUSAL FUNCTION AND USES THEREOF

The petition to revive under 37 CFR 1.137(b) filed 08 September 2006 in the above-captioned application is hereby **GRANTED** as follows:

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P.O. BOX 2567
GRAND RAPIDS, MI 49501

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AUG 0 1 2008

Applicant: DeWinter
Appl. No.: 10/592,044
International Filing Date: March 9, 2005
Title: SNOW SHOVEL WITH CONVEX EDGE
Attorney Docket: BLU 04-308
Pub. No.: US 2007/0145758 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 August 28, 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 1.

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 does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to claim 1. Claim 1 was correctly printed as filed.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on August 28, 2007, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the

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

application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

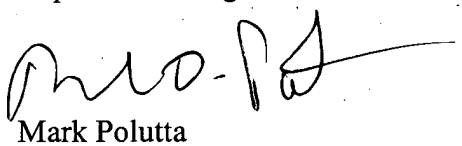
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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HARNESS DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
Masaki Yoshio et al :
Application No. 10/592,047 : ON PETITION
Filed: September 8, 2006 :
Attorney Docket No. 9694-000050/US/NP

This is a decision on the petition, filed June 22, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 4, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2831 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

24 JUL 2009

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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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44th Floor
NEW YORK NY 10112-4498

In re Application of	:	
GROSS, et al.	:	DECISION ON PETITION
U.S. Application No.: 10/592,067	:	
PCT No.: PCT/US06/12256	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 31 March 2006	:	
Priority Date: 01 April 2005	:	
Atty Docket No.: BE00298-US2	:	
For: NONWOVEN MATERIAL FOR ACOUSTIC INSULATION, AND PROCESS FOR MANUFACTURE	:	

This decision is in response to applicant's "Request to Correct Inventorship Under 37 C.F.R. § 1.48(a)" filed 12 September 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 31 March 2006, applicant filed international application PCT/US06/12256 which claimed priority to a prior U.S. application filed 01 April 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 01 October 2007.

On 07 September 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 preliminary amendment.

On 12 September 2007, applicant filed the present petition.

DISCUSSION

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).

As to Item (1), applicant has provided a statement from Ronald Timothy Moose declaring that the error in inventorship occurred without deceptive intent.

Regarding Item (2), applicant has provided a combined declaration and power of attorney executed by Ronald Timothy Moose executed by Mr. Moose and identifying himself and the three inventors listed on the published international application.

As Item (3), applicant has authorized payment of $130.00 petition fee from deposit account 02-4377.

Regarding Item (4), applicant has provided a statement from the assignee consenting to the addition of Ronald Timothy Moose as an inventor in the present application.

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage.

This application has an international application filing date of 31 March 2006 and will be given a date of **07 September 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) as the requirements were satisfied upon initial filing.

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

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

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

Mail Date: 06/15/2010

Applicant	: Alexis Paoutoff	: DECISION ON REQUEST FOR
Patent Number	: 7631374	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/592,069	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **320** 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/592,080	05/11/2007	Quentin Ladetto	119045	6757

25944 7590 07/24/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
RAYMOND, EDWARD	

ART UNIT	PAPER NUMBER
2857	

MAIL DATE	DELIVERY MODE
07/24/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of LADETTO et al.
Appl. No.: 10/592080
Filed: May 11, 2007
For: PEDESTRIAN NAVIGATION APPARATUS AND METHOD

DECISION ON PETITION
37 CFR 1.84(a)(2)

JUL 22 2009

This decision is in response to the petition filed September 7, 2006 in the above-identified application. Petitioner request that color drawings be accepted in accordance with 37 C.F.R. 1.84 (a)(2).

The petition states that Figures 4-5, 9A-9B, 15-24C, 26 and 28A-32 are color drawings, necessary in this application as the only practical medium by which to disclose the subject matter sought to be patented and are necessary because they would not be as clearly distinguishable in black and white. The petition complies with 37 C.F.R. 1.84 (a)(2) in that it was accompanied by (1) the appropriate fee and (2) at least three sets of color drawings. The original specification, amended on September 7, 2006 also contains the statement required as set forth in 37 C.F.R. 1.84 (a)(2) (iii).

Having met all requirements set forth in 37 C.F.R. 1.84 (a)(2), the petition is granted.

SUMMARY: The petition is **granted**. The application has been forwarded to the examiner in charge thereof for further action.

Eliseo Ramos-Feliciano
Supervisory Patent Examiner
Art Unit 2857
Patent Examining Technology Center 2800

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

15 MAY 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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Steven M. Hertzberg
Abelman, Frayne & Schwab
666 Third Avenue
New York, NY 10017-5621

In re Application of	:	
METZIKIS	:	
Application No.: 10/592,097	:	DECISION ON PETITION
PCT No.: PCT/AU05/00336	:	
Int. Filing Date: 09 March 2005	:	UNDER 37 CFR 1.10(c)
Priority Date: 10 March 2004	:	
Atty. Docket No.: 207,782	:	
For: A PROTECTIVE COVER FOR A MOTORBIKE	:	

This is a decision on applicant's "PETITION UNDER 37 C.F.R. §1.10(c) TO CORRECT FILING DATE AND DATE-IN DISCREPANCY" filed 10 October 2006 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 09 March 2005, applicant filed international application PCT/AU05/00336 which claimed priority to an earlier Australian application filed 10 March 2004. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 15 September 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 10 September 2006.

On 06 September 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 executed declaration of the inventor and an Information Disclosure Statement. Applicant's return receipt postcard contained a USPTO date stamp indicating a receipt date of 07 September 2006.

On 10 October 2006, applicant filed the present petition indicating that the papers at issue, satisfying the 35 U.S.C. 371 requirements, were filed 06 September 2006.

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.

Applicant has satisfied all three items above. Specific to item 3, applicant has provided a copy of the customer copy of the Express Mail mailing label which shows a USPS barrel stamp dated "SEP 6 2006." There is no information entered in the "date-in" box. As such, the only official notation by the USPS for the Express Mail mailing in question relied upon to show the date of deposit is the USPS post office barrel stamp.

For the reasons above, it is proper to grant applicant's petition under 37 CFR 1.10(c) at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.10(c) is **GRANTED**.

The application has an international filing date of 09 March 2005 under 35 U.S.C. 363 and will be given a date of **06 September 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

USPTO records will be updated to reflect the correct 371 date.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and corrected filing receipt indicating the correct 371 date as **06 September 2006**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 04/21/2010

Applicant	: George Metzikis	: DECISION ON REQUEST FOR
Patent Number	: 7611186	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/592,097	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **302** 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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26 DEC 2006

Abelman Frayne & Schwab
666 Third Ave, 10th Floor
New York, NY 10017-5621

In re Application of :
POST, Hendrik Arien et al. :
Application No.: 10/592,100 : DECISION
PCT No.: PCT/NL2004/000171 :
Int. Filing Date: 08 March 2004 : ON PETITION UNDER
Priority Date: None :
Docket No.: 207,819 : 37 CFR 1.10(c)
For: HIGH CAPACITANCE ... AND :
ELECTROLYTIC CAPACITOR :

This decision is in response to applicant's "Petition Under 37 C.F.R. §1.10(c) to Correct Filing Date," filed in the United States Patent and Trademark Office on 22 November 2006.

BACKGROUND

On 08 March 2004, applicant filed international application PCT/NL2004/000171. A copy of the international application was transmitted to the Office by the International Bureau on 15 September 2005. The thirty month period for paying the basic national fee expired at midnight on 08 September 2006.

Applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee. It was accorded a receipt date of 07 September 2006.

On 22 November 2006, applicant filed this petition to correct the receipt date.

DISCUSSION

In this petition, applicant requests that the receipt date of application No. 10/592,100 be amended to 06 September 2006. Though the "date in" field on the Express Mail label was blank, the Express Mail mailing label bears a postmark reading "06 September 2006". The requirements for a petition to correct a receipt date based on Express Mail records are set forth in 37 CFR 1.10(c). The section states as follows:

> (c) 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 Director 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.

Items (1), (2) and (3) have been met. The petition was filed promptly. The Express Mail mailing label number was listed on the correspondence. Applicant has furnished a copy of the Express Mail mailing label, bearing the USPS postmark and a letter from USPS indicating that the postmark is the "date in".

However, applicant is not yet entitled to a filing receipt as applicant has not supplied the requirements of 35 U.S.C. 371(c).

CONCLUSION

For the reasons listed above, applicant's petition under 37 CFR 1.10(c) to correct the receipt date of the filing to 06 September 2006 is **GRANTED**.

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

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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25 APR 2007

Anthony J Natoli
Abelman Frayne & Schwab
666 Third Ave
10th Floor
New York NY 10017-5621

In re Application of	:	DECISION ON
VERGOUW et al	:	
Application No.: 10/592,101	:	
PCT No.: PCT/NL05/00179	:	
Int. Filing Date: 10 March 2005	:	PETITION UNDER
Priority Date: 10 March 2004	:	
Attorney's Docket No.: 207,798	:	
For: LIGHT-WEIGHT VERSATILE	:	
J-LAY SYSTEM	:	37 CFR 1.10 (c)

This decision is in response to applicants' "PETITION UNDER 37 C.F.R. 1.10(c) TO CORRECT FILING DATE" filed on 22 November 2006, requesting that the filing date of 07 September 2006 be changed to 06 September 2005 for the national stage submission for the above identified application. No fee is required for this petition.

BACKGROUND

On 06 September 2006, petitioner purportedly 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.

On 22 N0vember 2006, applicants filed the present petition stating that the application was in fact deposited with the USPS on September 06, 2006 as evidenced by the USPS circular stamped on the "Express Mail" label indicating a date of 06 September 2006.

DISCUSSION

37 CFR 1.10(c) provides:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

The petition was filed promptly. 37 CFR 1.10(c)(1). In addition, a review of the application papers reveals that "Express Mail" Label No. ER059676215US was placed on the "Post Card" prior to the original mailing by "Express Mail." CFR 1.10(c)(2). Finally, the copy of the customer receipt of "Express Mail" Label No. ER059676215US filed with the present petition identifies the day of deposit as "07 September 2006" as stamped by the USPS, which shows that the above application was submitted on September 06, 2006. 37 CFR 1.10(c)(3). Accordingly, the requirements under 37 CFR 1.10(c) have been satisfied.

CONCLUSION

For reasons above, the petition under 37 CFR 1.10(c) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371 including the preparation and mailing of a Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **06 September 2006.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of
Peter R. JOHNSON, et al.
Application No. 10/592,102
Filed: December 6, 2007
Attorney Docket No. **2006588-0003**

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 27, 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 John D. Lanza 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 communications from the Office will be directed to the first named signing inventor at the 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 Examiner, Office of Petitions

cc: **PETER R. JOHNSON**
CNR NATIONAL CIRCUIT & BLIGH STREET
SOFTLAW BUILDING
BARTON, AUSTRALIA ACT 2600

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Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

Mail Date: 04/20/2010

Applicant	: Luigi Panzetti	: DECISION ON REQUEST FOR
Patent Number	: 7648604	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/592,150	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **131** 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 APR 2007

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

In re Application of :
LIDER (Deceased) et al. : DECISION ON
Application No.: 10/592,163 :
PCT No.: PCT/IL05/00272 : REQUEST
Int. Filing Date: 08 March 2005 :
Priority Date: 08 March 2004 : UNDER 37 CFR 1.42
Attorney Docket no.: 2488.042 :
For: ANTI-INFLAMMATORY PEPTIDES AND METHODS OF USE THEREOF :

This is a decision on applicant's submission under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 20 February 2007.

Status Under 37 CFR 1.42

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative. The declaration must also state the citizenship, residency and last mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).

The execution by the heiresses for deceased inventor Ofer Lider does not meet the requirements of 37 CFR 1.497(b). Although the declaration identifies Osnat Lider and Lihi Lider as heiresses of deceased inventor Ofer Lider, the declaration is defective because it does not state the country of citizenship, former residency and mailing address for *both* the deceased inventor and the legal representative/heirs, to meet the requirements for compliance with 37 CFR 1.497.

Moreover, it is unclear whether Osnat and Lihi Lider are the only heirs. If they are not the only heirs, the declaration must be executed by all of the heirs of the deceased inventor. It is also unclear whether a legal representative of the deceased's estate has been appointed or is statutorily required to be appointed. (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.)

In situations where it is not clear that the declaration includes the signatures of all the heirs (e.g., indicates heir/heirs as opposed to sole heir/all heirs), the Office requires a statement by either those signing or the attorney which sets forth that they are in fact all the heirs of the

deceased inventor. The statement must also set forth that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed.

Furthermore, the declaration contains multiple page 3s. It appears that the declaration is a composite declaration created from the combination of separately executed declarations and thus, declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors/heiresses 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 (or heiress), 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. What is required is one declaration where all inventors have signed or separate complete declarations. The requirements of 37 CFR 1.497 (a) and (b) have not been met and the declaration is unacceptable as filed.

Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42. The declaration is unacceptable under 37 CFR 1.497 (a) and (b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE.**

Applicant is required to submit a statement by either those signing or the attorney which sets forth that they are in fact all the heirs of the deceased inventor. Such statement must also set forth that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed.

What is required is a newly executed declaration, in accord with the requirements of 37 CFR 1.497(a) and (b), where all inventors have signed or separate complete declarations.

Applicant must respond within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136.

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

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24 SEP 2007

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

In re Application of
CAHALON et al.
Application No.: 10/592,163
PCT No.: PCT/IL05/00272
Int. Filing Date: 08 March 2005
Priority Date: 08 March 2004
Attorney Docket no.: 2488.042
For: ANTI-INFLAMMATORY PEPTIDES AND METHODS OF USE THEREOF

DECISION ON

RENEWED REQUEST

UNDER 37 CFR 1.42

This is a decision on applicant's renewed submission under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 01 June 2007.

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent. 37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative. The declaration must also state the citizenship, residency and last mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).

The execution by the heiresses for deceased inventor Ofer Lider now meets the requirements of 37 CFR 1.497(b). The declaration is accompanied by a statement of the attorney of record, which sets forth that they are in fact all the heirs of the deceased inventor. The statement also sets forth that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed.

Accordingly, it is now appropriate, at this time, to accord the application status under 37 CFR 1.42. The declaration is acceptable under 37 CFR 1.497 (a) and (b). For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED.**

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date is **01 June 2007.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

17 APR 2009

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Jay S. Cinnamon
ABELMAN, FRAYNE & SCHWAB
666 Third Avenue, 10th Floor
New York, NY 10017

In re Application of
WANNER
U.S. Application No.: 10/592,175
PCT No.: PCT/NL2005/000176
Int. Filing Date: 09 March 2005
Priority Date: 09 March 2004
Attorney Docket No.: 207.823
For: COMPOUNDS FOR HYDROLYSING RIBONUCLEIC ACIDS (RNAs)

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This decision is in response to the papers filed 27 June 2008 which are treated as a petition to withdraw the holding of abandonment. No fee is required.

BACKGROUND

On 25 May 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 or declaration in compliance with 37 CFR 1.497(a) and (b), a sequence listing in computer readable form (CRF) and a surcharge fee was required. A two-month time limit in which to respond was set with extensions of time available.

On 08 June 2007, applicant purportedly filed an executed declaration, surcharge fee and sequence listing diskette in the above-captioned application.

On 20 May 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to respond to the Form PCT/DO/EO/905 mailed 25 May 2007 within the time period set.

On 27 June 2008, applicant filed a petition to withdraw the holding of abandonment which was accompanied by, *inter alia*, copies of the documents purportedly filed 08 June 2007 along with a date-stamped postcard receipt.

DISCUSSION

A review of the subject application shows that the declaration, sequence listing diskette and surcharge fee were received on 08 June 2007. Therefore, the Form

PCT/DO/EO/909 mailed 20 May 2008 was sent in error.

DECISION

For the reasons noted above, applicants' petition to withdraw the holding of abandonment is **GRANTED**.

The Form PCT/DO/EO/909 mailed 20 May 2008 is hereby **VACATED**.

However, the sequence listing diskette originally filed 08 June 2007 was not accepted by the USPTO on 09 April 2009 due to errors contained therein.

This application is being forwarded to the DO/EO/US for mailing of a Notification of a Defective Response (Form PCT/DO/EO/916) to applicants requesting an acceptable CRF sequence listing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

Atch: USPTO Sequence Listing Error Report

28 AUG 2008

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David Cordiro
NXP B.V. Intellectual Property Department
1109 McKay Drive Ms41-SJ
San Jose, California 95131

In re Application of	:	
EVOY, David et al	:	
Application No.: 10/592,191	:	
PCT No.: PCT/IB05/050966	:	DECISION ON
Int. Filing Date: 21 March 2005	:	
Priority Date: 19 March 2004	:	PETITION FOR REVIVAL
Attorney Docket No.: US040154 US2	:	
For: SIMULATION CIRCUIT OF PCI EXPRESS ENDPOINT AND DOWNSTREAM PORT FOR A PCI EXPRESS SWITCH	:	UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT ABANDONED UNINTIONALLY UNDER 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 18 January 2008.

BACKGROUND

On 21 March 2005, applicant filed international application PCT/IB2005/050966, which designated the U.S. and claimed priority date of 19 March 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 September 2006.

On 08 September 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 as required by 35 U.S.C. 371 (c) (1).

On 14 May 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (Form PCT/DO/EO/905), requiring the submission of the claim fee, the oath or declaration and the surcharge fee.

On 18 January 2008, applicant submitted the appropriate responses and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), the $1540 petition fee has been charged to the deposit account 50-4019 as authorized by applicant.

Regarding item (3), 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" satisfies the requirement.

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

CONCLUSION

For the reason detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

The 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) and a filing receipt on 11 July 2008. The Notice of Acceptance correctly indicated the 35 U.S.C. 371 (c)(1),(c)(2) and (c)(4) date of 18 January 2008 for this application. The application has completed preexam processing and has been dispatched to the Technology Center for classification and examination.

Shian Luong
Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

Leonard Smith
Supervisory Legal Examiner
Office of PCT Legal Administration

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15 AUG 2007

Cook, Alex, McFarron, Manzo, Cummings & Mehler, LTD
Suite 2850
200 West Adams Street
Chicago, IL 60606

In re Application of
MASUDA, Takashi
Serial No.: 10/592,202
PCT No.: PCT/JP05/04331
Int. Filing Date: 11 March 2005
Priority Date: 12 March 2004
Atty. Docket No.: 0524-0164
For: SENSOR HAVING SWITCH FUNCTION, MANUFACTURING METHOD THEREOF AND ELECTRONIC DEVICE HAVING SENSOR BUILT THEREIN

DECISION

This decision is issued in response to applicant's "Response to Missing Requirements under 35 U.S.C. 371" filed 04 June 2007, which is being treated as a petition under 37 CFR 1.181 to vacate the Notification of Missing Requirement mailed 11 May 2007.

BACKGROUND

On 11 March 2005, applicant filed international application PCT/JP05/04331 which claimed a priority date of 12 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 September 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 12 September 2006.

On 08 September 2006, applicant filed a transmittal letter (PTO-1390) for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a "substitute specification;"[1] and a preliminary amendment.

[1]The substitute specification included an English translation of the description, claims, abstract, and drawings of international application no. PCT/JP05/04331, which was originally published in Japanese.

On 08 December 2006, applicant filed a declaration/power of attorney executed by sole-inventor, Takashi Masuda.

On 11 May 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 the English translation of PCT/JP05/04331 was required. The notification set a two-month time limit in which to respond.

On 04 June 2007, applicant filed the present "Response to Missing Requirements under 35 U.S.C. 371."

DISCUSSION

As stated above, 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 the English translation of PCT/JP05/04331 was required. Applicant states that the originally filed English-language specification is a translation of the international application and not a substitute specification, as listed on the Transmittal Letter (PTO-1390).[2] It is noted that the purported substitute specification filed by applicants on 08 September 2006 does not comply with the requirements for submitting a substitute specification set forth in 37 CFR 1.121(b)(3) and 1.125(b) and (c). For example, applicants did not provide a copy of the specification with markings indicating all the changes made with respect to the application of record, nor was a statement submitted confirming that the substitute specification did not include new matter. Therefore, the description, claims, abstract and drawings, which were previously considered a substitute specification, will be treated as the English translation of the international application. Therefore, applicant's request is granted and the Notification of Missing Requirements is hereby vacated.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** and the Notification of Missing Requirements mailed 11 May 2007 is hereby VACATED.

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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[2]The United States Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the above statement regarding the (English) translation of the international application.

03 APR 2009

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
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Hoffmann & Baron
6900 Jericho Turnpike
Syosset NY 11791

In re Application of	:	
Oiva et al.	:	
Application No.: 10/592,206	:	DECISION
PCT No.: PCT/US2005/008387	:	
Int. Filing Date: 11 March 2005	:	ON
Priority Date: 12 March 2004	:	
Attorney Docket No.: 512-102 PCT/US	:	PETITION
For: Method For Treating Aortic Stenosis With Non- Antibacterial Tetracycline Formulations	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 21 January 2009.

BACKGROUND

This international application was filed on 11 March 2005, claimed an earlier priority date of 12 March 2004, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 12 September 2006. Applicants filed *inter alia* the basic national fee on 08 September 2006.

On 13 June 2008, 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) and 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 is being charged to Deposit Account 08-2461, per the authorization included in the instant petition.

Regarding **requirement (2)**, petitioner indicates that correspondence was sent to non-signing inventors Oiva, Ylitalo, Biancari and Juvonen. Petitioner states that "copies of the application papers as filed and declaration documents were sent." The evidence submitted with the petition includes copies of letters signed by Att. Emr, dated 19 August 2008, addressed to each of the non-signing inventors. These letters referenced attached copies of the application papers and declaration. With respect to inventors Biancari and Juvonen, their failure to return the executed declaration after having been presented with the declaration and the application is construed as a "refusal" within the meaning of 37 CFR 1.47(a). However, petitioner indicates that the parcels sent to Oiva and Ylitalo on 19 August 2008 were returned by DHL as

undeliverable. Thus, it would not be appropriate to construe their failure to return the declaration as a "refusal."

Petitioner indicates that internet searches were undertaken for, *inter alia*, Oiva and Ylitalo ("the inventors which had not yet responded") and that an email was sent to the address for Ylitalo. The petition does not indicate that an address was found for Oiva. Petitioner has described the search logic used, but has not furnished a copy of the search results obtained. Petitioner also has not adequately described or substantiated any additional diligent efforts which may have been undertaken to ascertain the whereabouts of Oiva and Ylitaro, such as telephone directory searches, voter registration searches or the like (the footnote on page 5 indicates that the white pages were consulted "to determine if the mailing addresses in our possession were correct," but does not indicate that the telephone directory was used to search for Oiva or Ylitalo, nor have copies of relevant pages been provided). Thus, it would not be appropriate to conclude that Drs. Oiva and Ylitalo could not be found or reached after diligent effort, within the meaning of 37 CFR 1.47(a).

Petitioner has provided a copy of an email sent to Dr. Ylitalo on 29 September 2008, but this email is not introduced by a first-hand statement by the person who apparently sent it (Ellen Hollcroft). Moreover, while the email included a copy of the declaration, it apparently did not include a copy of the application papers. Since no copy of the application appears to have been presented, it would not be appropriate to construe Dr. Ylitalo's failure to return an executed declaration as a refusal.

Regarding **requirement (3)**, the petition lists the last known addresses of joint inventors Oiva, Ylitalo, Biancari and Juvonen.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 21 January 2009 reveals that it includes un-initialed alterations to the information pertaining to Yiermi Soini. Therefore, this declaration does not satisfy requirement (4).

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/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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Hoffmann & Baron
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Syosset NY 11791

In re Application of
Oiva et al.
Application No.: 10/592,206
PCT No.: PCT/US2005/008387
Int. Filing Date: 11 March 2005
Priority Date: 12 March 2004
Attorney Docket No.: 512-102 PCT/US
For: Method For Treating Aortic Stenosis With Non- Antibacterial Tetracycline Formulations

DECISION

ON

PETITION

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 05 June 2009.

DISCUSSION

In a Decision mailed on 03 April 2009, the petition under 37 CFR 1.47(a) filed on 21 January 2009 was DISMISSED, without prejudice, because petitioner had failed to satisfy requirement (2) with respect to inventors Oiva and Ylitalo, and because the declaration filed on 21 January 2009 was defective.

With respect to inventor Oiva, Atty. Emr describes the fonecta.fi and facebook.com searches which were conducted, and provides copies of the results, as well as copies of her emails to Dr. Oiva and to his known associates asking for assistance in obtaining his execution of the declaration. However, the record is not clear as to whether Atty. Emr personally conducted all of the searches; it is therefore unclear whether the description of the searches (and their results) is made on the basis of first-hand knowledge.

With respect to inventor Ylitalo, Atty. Emr has provided copies of email correspondence with Dr. Ylitalo. This correspondence includes an email from Anne Arlauskas to Dr. Ylitalo, referencing an attached declaration and copy of the application, and Dr. Ylitalo's response thereto. Though this evidence tends to suggest that Dr. Ylitalo was presented with a declaration and a copy of the application, no first-hand statement from Ms. Arlauskas attesting to the circumstances of the email transmission has been provided.

With respect to Dr. Soini's un-initialed alteration of the declaration, petitioner suggests that Dr. Soini is now unavailable to execute a new declaration. As evidence, petitioner has provided a copy of an email sent to him, with an attached declaration, on 30 April 2009. Petitioner states that "to date, no reply has been received." The letter dated 19 August 2008 indicates that a copy of the application and a declaration were presented previously to Dr. Soini. While this suggests that Dr. Soini would have been aware of the contents of the application, it is not clear that adequate efforts were undertaken to obtain his execution of the declaration after his signed declaration was found to be defective. For instance, did petitioner mail correspondence to his last-known physical address, asking for re-execution of the declaration?

For these reasons, it would not be appropriate to grant the requested relief on the basis of the present record.

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/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

18 DEC 2009

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Hoffmann & Baron
6900 Jericho Turnpike
Syosset NY 11791

In re Application of	:	
Oiva et al.	:	
Application No.: 10/592,206	:	DECISION
PCT No.: PCT/US2005/008387	:	
Int. Filing Date: 11 March 2005	:	ON
Priority Date: 12 March 2004	:	
Attorney Docket No.: 512-102 PCT/US	:	PETITION
For: Method For Treating Aortic Stenosis With Non- Antibacterial Tetracycline Formulations	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 16 October 2009.

DISCUSSION

In a Decision mailed on 10 August 2009, the petition under 37 CFR 1.47(a) filed on 21 January 2009 was DISMISSED, without prejudice, because petitioner had failed to satisfy requirement (2) with respect to inventors Oiva, Ylitalo and Soini, and because the declaration was defective.

In response, petitioner has submitted a declaration newly executed by Dr. Soini, obviating the need for a showing with respect to his alleged former unavailability.

With respect to Drs. Ylitalo and Oiva, petitioner has presented additional evidence which, when taken together with the showing already of record, suffices to demonstrate that Drs. Ylitalo and Oiva are unavailable within the meaning of 37 CFR 1.47(a).

The declaration filed on 16 October 2009 cures the defects noted in the declaration filed on 21 January 2009.

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 each 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 Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **16 October 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

18 DEC 2009

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P.O. Box 1450
Alexandria, VA 22313-1450
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Tatu Juvonen
Sieppotie 22
90650 Oulu
FINLAND

In re Application of
Oiva et al.
Application No.: 10/592,206
PCT No.: PCT/US2005/008387
Int. Filing Date: 11 March 2005
Priority Date: 12 March 2004
Attorney Docket No.: 512-102 PCT/US
For: Method For Treating Aortic Stenosis With Non- Antibacterial Tetracycline Formulations

Dear Dr. Juvonen:

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 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.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

Hoffmann & Baron
6900 Jericho Turnpike
Syosset NY 11791

18 DEC 2009

United States Patent and Trademark Office

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P.O. Box 1450
Alexandria, VA 22313-1450
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Fausto Biancari
Lehtokertunkuja 2 B
90420 Oulu
FINLAND

In re Application of
Oiva et al.
Application No.: 10/592,206
PCT No.: PCT/US2005/008387
Int. Filing Date: 11 March 2005
Priority Date: 12 March 2004
Attorney Docket No.: 512-102 PCT/US
For: Method For Treating Aortic Stenosis With Non- Antibacterial Tetracycline Formulations

Dear Dr. Biancari:

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).

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/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

Hoffmann & Baron
6900 Jericho Turnpike
Syosset NY 11791

18 DEC 2009

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Kari Ylitalo
Kaurastie 15 B
90800 Oulu
FINLAND

In re Application of
Oiva et al.
Application No.: 10/592,206
PCT No.: PCT/US2005/008387
Int. Filing Date: 11 March 2005
Priority Date: 12 March 2004
Attorney Docket No.: 512-102 PCT/US
For: Method For Treating Aortic Stenosis With Non- Antibacterial Tetracycline Formulations

Dear Dr. Ylitalo:

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).

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/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

Hoffmann & Baron
6900 Jericho Turnpike
Syosset NY 11791

18 DEC 2009

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jani Oiva
Kasarmintie 22 B 58
90100 Oulu
FINLAND

In re Application of
Oiva et al.
Application No.: 10/592,206
PCT No.: PCT/US2005/008387
Int. Filing Date: 11 March 2005
Priority Date: 12 March 2004
Attorney Docket No.: 512-102 PCT/US
For: Method For Treating Aortic Stenosis With Non- Antibacterial Tetracycline Formulations

Dear Dr. Oiva:

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 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.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

Hoffmann & Baron
6900 Jericho Turnpike
Syosset NY 11791

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signatures of certain joint inventors. The petition has been granted. A notice has been sent to the last known address of each non-signing inventor. The inventors whose signatures are missing (Jani OIVA, Kari YLITALO, Fausto BIANCARI and Tatu JUVONEN) 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/US2005/008387 and was filed on March 11, 2005 in the names of Jani OIVA, Tuula SALO, Yiermi SOINI, Kari YLITALO, Antti NISSINEN, Fausto BIANCARI, Tatu JUVONEN and Jari SATTA for the invention entitled METHOD FOR TREATING AORTIC STENOSIS WITH NON-ANTIBACTERIAL TETRACYCLINE FORMULATIONS. The national stage application number is 10/592,206 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of October 16, 2009.

UNITED STATES PATENT AND TRADEMARK OFFICE

30 SEP 2008

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of	:	
MOHSEEN et al.	:	
Application No.: 10/592,209	:	DECISION
PCT No.: PCT/EP2005/051062	:	
Int. Filing Date: 09 March 2005	:	
Priority Date: 09 March 2004	:	
Attorney Docket No.: MOHSEEN ET AL-1 PCT	:	
For: ARRANGEMENT FOR THE PERMANENT PARTIAL COVERAGE OF ADHESIVE WEBS, ADHESIVE WEB, AND METHOD FOR PRODUCING A PARTIALLY ADHESIVE WEB	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 27 May 2008 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 09 March 2005, applicants filed international application PCT/EP2005/051062, which designated the United States and claimed a priority date of 09 March 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 15 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 September 2006 (09 September 2006 being a Saturday).

On 08 September 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 26 March 2008, 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 27 May 2008, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration 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.

Items (1), (3), and (4) have been met.

Item (2) has not been satisfied. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)." Here, it is not clear whether Mr. Mohseen was presented with a copy of the specification including claims and drawings. Although the declaration of facts by Thomas Hutzelmann states that the "application papers" were sent to Mr. Mohseen, the English translation of the letters sent to Mr. Mohseen by Mr. Hutzelmann indicate that only an assignment and Declaration-Power of Attorney were sent.

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).

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

5 JUN 2009

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1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of	:	
MOHSEEN et al.	:	
Application No.: 10/592,209	:	DECISION
PCT No.: PCT/EP2005/051062	:	
Int. Filing Date: 09 March 2005	:	
Priority Date: 09 March 2004	:	
Attorney Docket No.: MOHSEEN ET AL-1 PCT	:	
For: ARRANGEMENT FOR THE PERMANENT PARTIAL COVERAGE OF ADHESIVE WEBS, ADHESIVE WEB, AND METHOD FOR PRODUCING A PARTIALLY ADHESIVE WEB	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 27 March 2009 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 09 March 2005, applicants filed international application PCT/EP2005/051062, which designated the United States and claimed a priority date of 09 March 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 15 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 September 2006 (09 September 2006 being a Saturday).

On 08 September 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 26 March 2008, 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 27 May 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors.

On 30 September 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application had not been provided.

On 27 March 2009, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four month extension of time, a statement of fact by Thomas Hutzelmann, a statement of facts by Federick J. Dorchak, and a copy of a return receipt from the United States Postal Service.

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 30 September 2008, items (1), (3), and (4) have been met.

Item (2) has now been met as well. It has been established that Mr. Mohseen was presented with a copy of the application papers including the specification (statement of Frederick J. Dorchak and return receipt). Mr. Mohseen's conduct constitutes a refusal to sign.

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 **27 May 2008**.

/Daniel Stemmer/

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

5 JUN 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Shaik Mohseen
15704 Echo Hills Drive
Austin, TX 78717-3949

In re Application of
MOHSEEN et al.
Application No.: 10/592,209
PCT No.: PCT/EP2005/051062
Int. Filing Date: 09 March 2005
Priority Date: 09 March 2004
Attorney Docket No.: MOHSEEN ET AL-1 PCT
For: ARRANGEMENT FOR THE PERMANENT PARTIAL COVERAGE OF ADHESIVE WEBS, ADHESIVE WEB, AND METHOD FOR PRODUCING A PARTIALLY ADHESIVE WEB

Dear Mr. Mohseen:

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
Facsimile: (571) 273-0459

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

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07 SEP 2007

Merck and Co., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907

In re Application of
WILLIAMS et al.
Application No.: 10/592,222
PCT No.: PCT/US05/06916
Int. Filing Date: 04 March 2005
Priority Date: 09 March 2004
Attorney Docket No.: 21615YP
For: HIV INTEGRASE INHIBITORS

DECISION ON PETITION

This decision is issued in response to applicants' "Reply to Notification of Missing Requirements under 35 U.S.C. 371" filed 04 June 2007 which is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 04 March 2005, applicants filed international application PCT/US05/06916 which claimed a priority date of 09 March 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire on 09 September 2006.

On 08 September 2006, applicants filed a Transmittal Letter for entry into the national stage accompanied, *inter alia,* by: the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 14 May 2007, the United States Designated Office (DO/EO/US) mailed a Notification Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a signed oath/declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) together with a surcharge payment were required. The notification set a two-month time limit in which to respond.

On 04 June 2007, applicants filed the present petition which was accompanied, among other things: a copy of the declaration(s) and power of attorney(s) and a post card receipt dated 08 September 2006.

DISCUSSION

Applicants state in their present petition that a declaration and power of attorney was received at the United States Patent and Trademark Office on 08 September 2006. A review of the present application reveals that the declaration and power of attorney is not located therein. Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

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

Here, applicants have provided a copy of their date-stamped filing receipt. The receipt identifies the application by applicants, title of invention, and attorney docket number. The receipt itemizes, among other things, a declaration and power of attorney. The receipt is stamped "Rec'd PCT/PTO 08 September 2006" across its face is sufficient to indicate that the above item was in fact received in the Office on 08 September 2006.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

In view of the declaration filed 08 September 2006, the Notification of Missing Requirements (Form PCT/DO/EO/905) dated 14 May 2007 is hereby **VACATED**.

This application will be given an international filing date of 04 March 2005 and a date of **08 September 2006** under 35 U.S.C. 371.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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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	: Brian David Bajgrowicz	: DECISION ON REQUEST FOR
Patent Number	: 7607155	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/592,224	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **343** 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.

02 OCT 2006

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www.uspto.gov

KENYON & KENYON LLP
One Broadway
New York, NY 10004

In re Application of	:	
ZAMPERLA, Alberto	:	
U.S. Application No.: 10/592,235	:	**DECISION ON**
PCT No.: PCT/IB2004/004400	:	**PETITION FOR REVIVAL**
Int. Filing Date: 14 December 2004	:	**UNDER 37 CFR 1.137(b)**
Priority Date: 15 December 2003	:	
Attorney Docket No.: 86491/190	:	
For: ROLLER COASTER	:	

Applicant's petition to revive under 37 CFR 1.137(b) filed on 07 September 2006 is hereby **GRANTED** as follows:

The basic national fee and the petition fee have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

An oath or 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 $130.00 surcharge fee pursuant to 37 CFR 1.492(h) are required.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Alberto Zamperla	: DECISION ON REQUEST FOR
Patent Number	: 7640862	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/592,235	: 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 **283** 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.

26 SEP 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT W STROZIER PLLC
P O BOX 429
BELLAIRE, TX 77402-042

In re Application of:
KOHN, Harold, et al.
U.S. Application No.: 10/592,254
Int'l Application No: PCT/US2004/028124
Int'l Filing Date: 30 August 2004
Priority Date: 29 August 2003
Atty Docket No.: 96605/26US
For: COMPOSITIONAS HAVING ANTI-MYCROBIAL ACTIVITY INCLUDING A HYDROXAMATE OR A HYDRO-XAMATE AND A HYDROXYLAMINE

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 08 September 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statements in the petition and the accompanying "Statement On Unintentional Abandonment" are construed as the statement required by 37 CFR 1.137(b)(3), that is, 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." Applicants must notify this Office immediately if this is not a proper interpretation of these statements.

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.

Applicants 08 September 2006 submission included a declaration document that appears to be a compilation of a number of separate declaration documents (the document includes one copy of the first page, two copies of the second page, and four copies of the third page). The declaration is therefore unacceptable (See MPEP § 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.").

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

acceptable 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

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26 FEB 2008

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

In re Application of OSTERMANN et al :
U.S. Application No.: 10/592,258 :
PCT Application No.: PCT/EP2005/000425 :
Int. Filing Date: 18 January 2005 : DECISION
Priority Date Claimed: 11 March 2004 :
Attorney Docket No.: 3988-062488 :
For: PHOTOELECTROCHEMICAL REACTION :
CELL :

This is in response to applicant's "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Communication (MPEP 711.03(c) and 37 C.F.R. §1.181(a))" filed 15 February 2008.

BACKGROUND

On 18 January 2005, applicant filed international application PCT/EP2005/000425, which claimed priority of an earlier Germany application filed 11 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 September 2005. The thirty-month period for paying the basic national fee in the United States expired on 11 September 2007.

On 08 September 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 07 June 2007, the DO/EO/US prepared a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905).

On 15 February 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of Office records reveals that the Notification of Missing Requirements was prepared for mailing but was not sent to applicant. The Notification of Missing Requirements is attached to this decision.

CONCLUSION

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

A proper response to the Notification of Missing Requirements 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).

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) to await applicant's response to the Notification of Missing Requirements.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

ATTACHMENT: Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905)

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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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/592,258	Dieter Ostermann	3988-062488

INTERNATIONAL APPLICATION NO.	
PCT/EP05/00425	
I.A. FILING DATE.	PRIORITY DATE
01/18/2005	03/11/2004

28289
THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

CONFIRMATION NO. 8060

371 FORMALITIES LETTER

OC000000024256421

Date Mailed: 06/07/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/08/2006
- Copy of the International Search Report filed on 09/08/2006
- Preliminary Amendments filed on 09/08/2006
- Small Entity Statement filed on 09/08/2006
- Request for Immediate Examination filed on 09/08/2006
- U.S. Basic National Fees filed on 09/08/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- 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.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/592,258	PCT/EP05/00425	3988-062488

FORM PCT/DO/EO/905 (371 Formalities Notice)

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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17 NOV 2006

Needle & Rosenberg, P.C.
999 Peachtree Street
Suite 1000
Atlanta, GA 30309-3915

In re Application of
MUHE, Andreas
Application No.: 10/592, 262
PCT No.: PCT/DE05/00461
Int. Filing Date: 11 March 2005
Priority Date: 11 March 2004
Attorney Docket No.: 19232.0020U1
For: CORD ROTATING HEAD FOR A CRYSTAL DRAWING SYSTEM

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 31 October 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 applicants 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: (703) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

24 JUL 2007

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

In re Application of :
ZELLE, Robert et al. :
Application No.: 10/592,270 :
PCT No.: PCT/US05/07920 : DECISION
Int. Filing Date: 07 March 2005 :
Priority Date: 08 March 2004 :
Attorney's Docket No.: WYE-087 :
For: ION CHANNEL MODULATORS :

This decision is in response to applicant's submission of a power of attorney by assignee on 08 September 2006.

BACKGROUND

On 07 March 2005, applicant filed international application PCT/US05/07920, which claimed a priority date of 08 March 2004. The deadline for entry into the national stage in the United States was midnight on 08 September 2006.

On 08 September 2006, applicant filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee, a declaration and power of attorney by the inventors and a power of attorney by assignee.

On 27 April 2007, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating that the application satisfied the requirements of 35 USC 371(c)(1), (c)(2) and (c)(4) on 08 September 2006.

DISCUSSION

As set out in 37 CFR 3.73(b)(1), to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent application. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either: documentary evidence of a chain of title from the original owner to the assignee. For patent matters only, the submission of the documentary evidence must be accompanied by either (i) a statement affirming that the documentary chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to section 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).

The Power of Attorney by the Assignee neither states that the assignments were concurrently being submitted for recordation nor indicates where the documentary evidence of the chain of title is recorded in the assignment records of the Office. The assignment was not submitted for some months. Further, though applicants indicate that assignments accompanied the power of attorney, no such assignments were located.

CONCLUSION

For the above reasons, applicant's power of attorney by the assignee with its request to change the customer number and to redirect the correspondence is **DISMISSED** without prejudice.

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

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3455
Facsimile: 571-273-0459

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Alan P. Fields	: DECISION ON REQUEST FOR
Patent Number	: 7642400	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/592,289	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 05/17/2010

Applicant : Alan P. Fields
Patent Number : 7642400
Issue Date : 01/05/2010
Application No: 10/592,289
Filed : 07/23/2007

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

Mail Date: 04/28/2010

Applicant	: Guangjun Wang	: DECISION ON REQUEST FOR
Patent Number	: 7639944	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/592,293	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

United States Patent and Trademark Office

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

05 DEC 2006

In re Application of
Hays et al.
Application No.: 10/592,296
PCT No.: PCT/US05/08274
Int. Filing Date: 08 March 2005
Priority Date: 08 March 2004
Attorney Docket No.: 573218001US1
For: Delivery Of Advertising Into Multiple Video Games

DECISION
ON
PETITION

This is in response to the petition under 37 CFR 1.47(a) filed on 08 September 2006.

BACKGROUND

This international application was filed on 08 March 2005, claimed an earliest priority date of 08 March 2004, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 08 September 2006. Applicants filed *inter alia* the basic national fee on 08 September 2006.

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 petition was accompanied by $130.00 of the $200.00 petition fee. Per the general fee authorization included in the Transmittal Letter filed on 08 September 2006, the $70.00 balance of the petition fee is being charged to counsel's Deposit Account No. 50-0665.

Regarding requirement (2), petitioner urges that the absence on the declaration of the signature of joint inventor J. Richard Skeen be excused, but does not specifically indicate whether Mr. Skeen refused to sign the declaration or whether he cannot be found or reached after diligent effort. Addressing the issue of whether it would be appropriate to excuse the absence of Mr. Skeen's signature on the basis of inability to find or reach him, counsel's attention is respectfully drawn to MPEP 409.03(d), 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, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable

> reason for filing under 37 CFR 1.47. Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 CFR 1.47. 37 CFR 1.43 may be available under these circumstances. See MPEP § 409.02. Such a petition under 37 CFR 1.47 will be dismissed as inappropriate.
>
> 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.

The "Statement In Support Of Adding Unsigning Inventor/Applicant J. Richard Skeen" signed by Michelle Macartney indicates that a letter was sent to Mr. Skeen on 24 February 2006, but "no response was received." The "Statement..." also indicates that a telephone message was left for Mr. Skeen on 09 June 2006; this statement is not made on the basis of first-hand knowledge, however. Petitioner has not adequately shown that "diligent" efforts to find or reach Mr. Skeen have been undertaken. For instance, petitioner does not reference any additional mailings to his last known address, additional attempts at telephonic communication, or efforts to identify alternative addresses, telephone numbers, or e-mail addresses. In the absence of a showing of more thorough efforts to find or reach Mr. Skeen, it would not be appropriate that he "could not be found or reached after diligent effort" within the meaning of 37 CFR 1.47(a).

Regarding the issue of whether Mr. Skeen has refused to execute the application, Counsel's attention is again 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

Petitioner has not directly suggested that Mr. Skeen has explicitly refused to execute the declaration. As to the issue of whether his conduct constitutes a constructive refusal, the "Statement" signed by Ms. Macartney states that correspondence, including a declaration, was sent to Mr. Skeen on 24 February 2006. However, petitioner nowhere alleges that Mr. Skeen was presented with a complete copy of the application papers. As such, his failure to return the executed declaration does not constitute a constructive refusal within the meaning of 37 CFR 1.47(a).

Regarding requirement (3), the "Petition Under 37 CFR § 1.47..." refers to the attached "Request to Add Inventor/Applicants Under Rule 92bis" to furnish the "last known address of the unsigning inventor." Therefore, the address for Mr. Skeen appearing on said "Request to Add..." is interpreted as the last known address required under 37 CFR 1.47(a).

Regarding requirement (4), the petition is accompanied by a declaration nominating Katherine Hays, David J. Sturman, Daniel Melfi, J. Richard Skeen and Claudia I. Batten. Review of the evidence of record reveals that this same inventive entity was named in the international application (though the inventive entity appearing on the published international application is different, the WIPO internet site shows the same inventive entity as nominated by the instant declaration). The declaration has been signed by inventors Hays, Sturman, Melfi and Batten on behalf of themselves and non-signing inventor Skeen. However, the declaration appears to have been assembled using "Page 3 of 3" from two separate declaration documents. Counsel's attention is drawn to MPEP 201.03, which explains in part that

> While each inventor need not execute the same declaration, each oath or declaration executed 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.

Since the instant declaration appears to have been compiled using pages from more than one declaration document, it would not be appropriate to deem the declaration to have satisfied requirement (4).

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." 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

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Alexandria, VA 22313-1450
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17 SEP 2007

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

In re Application of
Hays et al.
Application No.: 10/592,296
PCT No.: PCT/US05/08274
Int. Filing Date: 08 March 2005
Priority Date: 08 March 2004
Attorney Docket No.: 573218001US1
For: Delivery Of Advertising Into Multiple Video Games:

DECISION
ON
PETITION

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

DISCUSSION

In a Decision mailed on 05 December 2006, the petition under 37 CFR 1.47(a) filed on 08 September 2006 was dismissed without prejudice because

> Regarding requirement (2), petitioner urges that the absence on the declaration of the signature of joint inventor J. Richard Skeen be excused, but does not specifically indicate whether Mr. Skeen refused to sign the declaration or whether he cannot be found or reached after diligent effort. Addressing the issue of whether it would be appropriate to excuse the absence of Mr. Skeen's signature on the basis of inability to find or reach him, counsel's attention is respectfully drawn to MPEP 409.03(d), which states in part:
>
> ...
>
> The "Statement In Support Of Adding Unsigning Inventor/Applicant J. Richard Skeen" signed by Michelle Macartney indicates that a letter was sent to Mr. Skeen on 24 February 2006, but "no response was received." The "Statement..." also indicates that a telephone message was left for Mr. Skeen on 09 June 2006; this statement is not made on the basis of first-hand knowledge, however. Petitioner has not adequately shown that "diligent" efforts to find or reach Mr. Skeen have been undertaken. For instance, petitioner does not reference any additional mailings to his last known address, additional attempts at telephonic communication, or efforts to identify alternative addresses, telephone numbers, or e-mail addresses. In the absence of a showing of more thorough efforts to find or reach Mr. Skeen, it would not be appropriate that he "could not be found or reached after diligent effort" within the meaning of 37 CFR 1.47(a).
>
> Regarding the issue of whether Mr. Skeen has refused to execute the application, Counsel's attention is again respectfully drawn to MPEP 409.03(d), which states in part:
>
> ...
>
> Petitioner has not directly suggested that Mr. Skeen has explicitly refused to execute the declaration. As to the issue of whether his conduct constitutes a constructive refusal, the "Statement" signed by Ms. Macartney states that correspondence, including a declaration, was sent to Mr. Skeen on 24 February 2006. However, petitioner nowhere alleges that Mr. Skeen was presented with a complete copy of the application papers. As such, his failure to return the executed declaration does not constitute a constructive refusal within the meaning of 37 CFR 1.47(a).

> Regarding requirement (4), the petition is accompanied by a declaration nominating Katherine Hays, David J. Sturman, Daniel Melfi, J. Richard Skeen and Claudia I. Batten. Review of the evidence of record reveals that this same inventive entity was named in the international application (though the inventive entity appearing on the published international application is different, the WIPO internet site shows the same inventive entity as nominated by the instant declaration). The declaration has been signed by inventors Hays, Sturman, Melfi and Batten on behalf of themselves and non-signing inventor Skeen. However, the declaration appears to have been assembled using "Page 3 of 3" from two separate declaration documents. Counsel's attention is drawn to MPEP 201.03, which explains in part that
>
> *While each inventor need not execute the same declaration, each oath or declaration executed 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.*
>
> Since the instant declaration appears to have been compiled using pages from more than one declaration document, it would not be appropriate to deem the declaration to have satisfied requirement (4).

In response, applicants have filed the instant renewed petition, which includes a "Supplemental Statement Of Michelle C. Macartney" and supporting documents. Based on the totality of the facts now presented, it would be appropriate to construe Mr. Skeen's conduct to constitute a "refusal" within the meaning of 37 CFR 1.47(a). Therefore, requirement (2) has been satisfied.

Regarding requirement (4), petitioner enumerates the following documents as accompanying the petition: the statement of Ms. Macartney, "Exhibit A, Exhibit B, and Exhibit C, and a Declaration signed by all of the available inventors with the signature block of the unsigning inventor left blank." Petitioner is advised that no such declaration was received into the Image File Wrapper as a separate document on 05 June 2007, but that signed declaration documents are present in Exhibits B and C. Inspection of said declaration documents reveals that they appear to have been compiled by adding a separate sheet signed by Melfi and a second separate sheet signed by Batten to the sheet signed by the other inventors; that is, 2 different pages "3 of 3" are present. Attention is drawn to MPEP 201.03, which explains in part that

> 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).

In view of the policy described at MPEP 201.03, it would not be appropriate to accept either of the declarations present in the appendices. Therefore, requirement (4) has not 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." 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

0 7 JAN 2008
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P. O. BOX 1247
SEATTLE WA 98111-1247

In re Application of
Hays et al.
Application No.: 10/592,296
PCT No.: PCT/US05/08274
Int. Filing Date: 08 March 2005
Priority Date: 08 March 2004
Attorney Docket No.: 418268749US1 (573218001US1)
For: Delivery Of Advertising Into Multiple Video Games:

DECISION
ON
PETITION

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 19 November 2007.

DISCUSSION

In a Decision mailed on 17 September 2007, the petition under 37 CFR 1.47(a) filed on 05 June 2007 was dismissed without prejudice because

> Regarding requirement (4), petitioner enumerates the following documents as accompanying the petition: the statement of Ms. Macartney, "Exhibit A, Exhibit B, and Exhibit C, and a Declaration signed by all of the available inventors with the signature block of the unsigning inventor left blank." Petitioner is advised that no such declaration was received into the Image File Wrapper as a separate document on 05 June 2007, but that signed declaration documents are present in Exhibits B and C. Inspection of said declaration documents reveals that they appear to have been compiled by adding a separate sheet signed by Melfi and a second separate sheet signed by Batten to the sheet signed by the other inventors; that is, 2 different pages "3 of 3" are present. Attention is drawn to MPEP 201.03, which explains in part that
>
> *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).*
>
> In view of the policy described at MPEP 201.03, it would not be appropriate to accept either of the declarations present in the appendices. Therefore, requirement (4) has not been satisfied.

In response, petitioner has provided three declaration documents, which are described as complete copies of the documents as signed by the respective inventors. As such, requirement (4) has 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 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 $130.00 surcharge under 37 CFR 1.492(h) is being charged to Deposit Account No. 50-0665, as authorized by the instant petition.

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 **19 November 2007**.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

07 JAN 2008

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J. Richard Skeen
24 Porter Place
Montclair, NJ 07042

In re Application of
Hays et al.
Application No.: 10/592,296
PCT No.: PCT/US05/08274
Int. Filing Date: 08 March 2005
Priority Date: 08 March 2004
Attorney Docket No.: 573218001US1
For: Delivery Of Advertising Into Multiple Video Games:

Dear Mr. Skeen:

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

PERKINS COIE LLP/MSFT
P. O. BOX 1247
SEATTLE WA 98111-1247

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of 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 (J. Richard SKEEN) 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/US2005/008274 and was filed on March 8, 2005 in the names of Katherine HAYS, David J. STURMAN, Daniel MELFI, J. Richard SKEEN and Claidia I. BATTEN for the invention entitled DELIVERY OF ADVERTISING INTO MULTIPLE VIDEO GAMES. The national stage application number is 10/592,296 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of November 19, 2007.

UNITED STATES PATENT AND TRADEMARK OFFICE

03 MAR 2010

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GERALD M. MURPHY, JR.
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of:
TSUKUDA, TAKAHIRO et al
US Application No.: 10/592,315
PCT Application No.: PCT/JP2005/004319
Int. Filing Date: 11 March 2005
Priority Date: 12 March 2004
Attorney Docket No: 0283-0232PUS1
For: HEAT-RESISTANT NONWOVEN FABRIC

: DECISION
:
:
: UNDER
:
:
:
: 37 CFR § 1.182

Applicant's "PETITION UNDER 37 CFR 1.182 TO ENTER ACCURATE TRANSLATION OF PCT APPLICATION" was received on 18 September 2009. Petition fee of $400 has been charged as authorized.

BACKGROUND

On 11 March 2005, applicants submitted international application No. PCT/JP2005/004319. The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was set to expire 30 months from the priority date.

On 11 September 2006, applicants filed a submission to enter the US national phase for PCT/JP2005/004319 including, inter alia, a purported English translation of the international application.

On 18 September 2009, applicant filed the present petition to replace the translated specification filed on 11 September 2006 with an accurate translation. Petition states that the 11 September 06 Submission is a "partially inaccurate translation," and that the "enclosed translation is stated to be accurate by the translator, Yuriko Sumimo."

DISCUSSION

A translation of a foreign language international application into English is a statutory requirement. See 35 USC 371 (c)(2). The present translation of the international application accompanying the petition will be accepted as satisfying the requirements of 35 USC 371 (c)(2).

Pursuant to 37 CFR 1.492(i), the processing for the filing an English translation later than 30 months from the priority date will be charged to the deposit account authorized in the petition.

CONCLUSION

The petition under 37 CFR 1.182 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 the issuance of a new Notice of Acceptance indicating a date of completion of all 35 USC 371 requirements of 18 September 2009.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Boris Milef
Senior PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

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

Mail Date: 04/20/2010

Applicant	: Hiroyuki Ishida	: DECISION ON REQUEST FOR
Patent Number	: 7660456	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/592,320	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **469** 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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14 SEP 2007

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

In re Application of: KAINER, Karl, Ulrich, et al. :
U.S. Application No.: 10/592,331 : COMMUNICATION
PCT No.: PCT/EP2005/002268 :
International Filing Date: 03 March 2005 :
Priority Date: 11 March 2004 :
Attorney's Docket No.: 30572/40329 :
For: METHOD FOR THE PRODUCTION OF PROFILES OF A LIGHT METAL MATERIALS BY MEANS OF EXTRUSION :

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371(c).

BACKGROUND

On 03 May 2005, international application PCT/EP2005/002268 was filed. The application claimed a priority date of 11 March 2004, and it designated the United States. On 22 September 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 September 2006.

The initial publication of the international application identified a corporate applicant for all states other than the U.S. and two applicant/inventors for the U.S.: Karl Ulrich KAINER and Jan BOHLEN.

On 11 September 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 October 2006, the IB published a revised bibliographic page for the international application. This publication identified five additional applicant/inventors for the U.S.: Piet-Jan VET, Pieter HOOGENDAM, Luud MEIHER, Wim SILLEKENS, and Westrum VAN SCHADE.

On 11 May 2007, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an executed declaration and additional claims fees.

On 04 June 2007, applicants filed a response to the Notification Of Missing Requirements which included the executed declaration considered herein, and a copy of the previously filed preliminary amendment that applicants argue reduces the number of chargeable claims so as to eliminate the need for the additional claims fees required by the Notification of Missing Requirements.

DISCUSSION

The declaration filed herein is executed by seven inventors. The names of the first six inventors executing the declaration correspond to the first six inventors listed on the revised international publication of 12 October 2006. However, the name of the final inventor on the declaration does not correspond to the name as set forth on the international publication. Specifically, this inventor is identified as Westrum VAN SCHADE on the international publication, and Schade V. Westrum on the declaration filed 04 June 2007.

Section 605.04(b) of the MPEP states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed 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 U.S.C. 1.182 together with an appropriate petition fee.

In this case, the disparity between the name of the seventh inventor listed on the international publication and the name of this inventor listed on the declaration is more than a mere typographical error or a phonetic misspelling of the inventor's name. Accordingly, the declaration filed herein cannot be accepted without submission of a petition under 37 CFR 1.182 to correct the name of this inventor from that set forth in the international publication to that set forth in the declaration.[1]

Any grantable petition under 37 CFR 1.182 to correct the inventor's name must be accompanied by the requisite petition fee of $400 and statements from the inventor and any other persons having firsthand knowledge of the error which resulted in the discrepancy in this inventor's name. These statements must set forth the specific circumstances as to how and when the error was made and discovered, and must also state that the mistake was an inadvertent error made without deceptive intent. If the inventor's name has actually changed since the filing of the international application, then the petition must include "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." See MPEP section 605.04(c).

[1] If, in the alternative, the name listed on the declaration is incorrect and the name listed on the international publication is correct, then a new declaration is required which properly identifies the inventors herein.

Based on the above, the declaration filed herein on 04 June 2007 does not correspond to the inventive entity named in the international application. Such declaration is therefore not acceptable under 37 CFR 1.497, on the present record.

CONCLUSION

The name of record for the last inventor remains Westrum VAN SCHADE, as set forth in the revised publication of the international application. The declaration filed 04 June 2007 is therefore unacceptable under 37 CFR 1.497 for failure to properly identify the inventors of record herein.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this communication, including consideration of applicants argument regarding the additional claims fees, and mailing of a Notification Of Defective Response (Form PCT/DO/EO/916) requiring submission of an oath or declaration acceptable under 37 CFR 1.497.

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

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P.O. Box 1450
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10 APR 2008

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

In re Application of: KAINER, Karl, Ulrich, et al.
U.S. Application No.: 10/592,331
PCT No.: PCT/EP2005/002268
International Filing Date: 03 March 2005
Priority Date: 11 March 2004
Attorney's Docket No.: 30572/40329
For: METHOD FOR THE PRODUCTION OF PROFILES OF A LIGHT METAL MATERIAL BY MEANS OF EXTRUSION

DECISION AND NOTIFICATION OF ABANDONMENT

This decision is issued in response to applicants' "Response To Notification Of Defective Response" filed 09 October 2007, treated herein as a request for acceptance of the revised declaration included with such submission. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the Communication mailed by this Office on 14 September 2007. That Communication indicated that the declaration filed by applicants on 04 June 2007 was defective for failure to properly identify the inventors of record herein. Specifically, the declaration identified the seventh inventor as Schade V. Westrum, while this inventor's name of record in the application is Westrum VAN SCHADE. The Communication indicated that the declaration could not be accepted unless applicants filed a grantable petition under 37 CFR 1.182 to correct the name of record for the seventh inventor from Westrum VAN SCHADE to Schade V. WESTRUM.[1]

On 18 September 2007, consistent with the Communication mailed 14 September 2007, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed 04 June 2007 was defective based on the incorrect listing of the seventh inventor's name. The Notification required applicant to file a proper response within a non-extendable one-month deadline, and it indicated that the failure to do so would result in abandonment.

[1] The Communication also indicated that, if the inventor's name was Westrum VAN SCHADE (the name listed on the international publication), then a new declaration properly identifying the inventors was required.

On 09 October 2007, applicants filed the "Response To Notification Of Defective Response" considered herein, accompanied by a revised declaration executed by the seventh inventor. The submission requests acceptance of the revised declaration.

DISCUSSION

The revised declaration filed on 09 October 2007 identifies the seventh inventor as Jan Schade van Westrum. As with the original declaration filed 04 June 2007, the name of the seventh inventor on the revised declaration does not correspond to the name of record for this inventor, as indicated in the international publication, Westrum VAN SCHADE. As discussed in the Communication mailed 14 September 2007, a declaration in which the inventor's name is not consistent with the name of record for such inventor must be accompanied by a grantable petition under 37 CFR 1.182 correcting the name of record for such inventor to correspond with that set forth on the declaration (see MPEP section 1893.01(e)). Applicant has not included such a petition with the present submission. Accordingly, as with the original declaration, the revised declaration is defective under 37 CFR 1.497 for failure to properly identify the inventors of record herein. Applicants' request for acceptance of the revised declaration is therefore appropriately dismissed.

Based on the above, applicants have failed to file an acceptable declaration in response to the Notification Of Defective Response mailed 18 September 2007. The application is therefore ABANDONED.

CONCLUSION

The request for acceptance of the revised declaration filed 09 October 2007 is **DISMISSED** without prejudice.

The revised declaration filed 09 October 2007 is defective for failure to properly identify the inventors of record herein.

The application is **ABANDONED** for failure to file a timely and proper response to the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 11 May 2007 and the Notification Of Defective Response (Form PCT/DO/EO/916) mailed 18 September 2007.

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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

21 JUL 2008

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

In re Application of: KAINER, Karl, Ulrich, et al.
U.S. Application No.: 10/592,331
PCT No.: PCT/EP2005/002268
International Filing Date: 03 March 2005
Priority Date: 11 March 2004
Attorney's Docket No.: 30572/40329
For: METHOD FOR THE PRODUCTION OF PROFILES OF A LIGHT METAL MATERIAL BY MEANS OF EXTRUSION

DECISION ON PETITION TO CORRECT INVENTOR'S NAME AND PETITION FOR REVIVAL (37 CFR 1.182 and 1.137(b))

This decision is issued in response to the "Petition Under 37 CFR 1.182 To Correct An Inventor's Name Of Record" and the "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed by applicants on 10 June 2008. Applicant has paid the required petition fees.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed herein on 14 September 2007 and 10 April 2008. The 10 April 2008 decision indicated that the application was abandoned based on applicants' failure to file an acceptable declaration in response to the Notification Of Defective Response mailed 18 September 2007. The decision noted that the declaration filed by application in response to the Notification Of Defective Response, as well as the previous declarations filed herein, were defective in that the name of the seventh inventor listed on the declaration was not consistent with the name of record fro this inventor.

On 29 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Abandonment (Form PCT/DO/EO/909) confirming that the application was abandoned.

On 10 June 2008, applicant filed the "Petition Under 37 CFR 1.182 To Correct An Inventor's Name Of Record" and the "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" considered herein.

DISCUSSSION

1. Petition To Correct Inventor's Name

In the present application, the discrepancy between the seventh inventor's name as listed in the international application (Westrum VAN SCHADE) and in the filed declaration (Jan Schade Van Westrum) is more than a "typographical or transliteration error." Accordingly, in order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required (see MPEP section 1893.01(e)). The requirements for such a petition were set forth in the Communication mailed herein on 14 September 2007.

The present "Petition Under 37 CFR 1.182 To Correct An Inventor's Name Of Record" was accompanied by the required petition fee. The petition states that the correct name of the inventor is that listed on the declaration filed herein and that the error in the inventor's name, as set forth in the international application, "was inadvertently made during the filing of the international application without any deceptive intent." The petition also indicates that the error in the inventor's name was discovered upon entry into the national stage (as evidenced by the ADS filed with the original application materials, which partially corrected the error), and that the failure to include the inventor's first name was discovered later, in September 2007.

The present submission does not, however, satisfy all the requirements for a grantable petition. Specifically, applicants have not provided a statement from the inventor, Jan Schade Van Westrum, confirming his correct name and the facts surrounding the error in the international application, including a statement from the inventor that the error did not involve deceptive intent. Applicants must provide the required statement from inventor Jan Schade Van Westrum before the petition to correct the name of record for the seventh inventor from Westrum VAN SCHADE to Jan Schade Van Westrum may be granted.

2. Petition For Revival Under 37 CFR 1.137(b)

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

The present petition satisfies items (2) and (3), and item (4) does not apply in the present circumstances. However, the petition fails to satisfy item (1). The "required reply" here is a grantable petition under 37 CFR 1.182 to correct the name of the seventh inventor (which would permit acceptance of the previously filed declarations). As noted above, the petition under 37 CFR 1.182 filed by applicants is not grantable on the present record. Accordingly, applicants have not provided the "required reply" at this time. Item (1) is therefore not satisfied.

CONCLUSION

Applicants' "Petition Under 37 CFR 1.182 To Correct An Inventor's Name Of Record" is **DISMISSED** without prejudice. The name of record for the seventh inventor remains Westrum VAN SCHADE. Accordingly, the declarations filed herein (which identify the seventh inventor differently) remain defective under 37 CFR 1.497 for failure to properly identify the inventors of record herein.

The petition for revival under 37 CFR 1.137(b) is **DISMISSED** without prejudice for failure to include the required reply in the form of a grantable petition under 37 CFR 1.182.

If applicants seek reconsideration on the merits, a request for reconsideration must be filed within **TWO (2) MONTHS** of the mail date of this decision. Any such submission should include a cover letter entitled "Renewed Petitions Under 37 CFR 1.182 and 1.137(b)" and the materials necessary to satisfy the outstanding requirements of a grantable petition under 37 CFR 1.182, that is, the required statement from inventor Jan Schade Van Westrum, as discussed above.

No additional petition fee is required. Extensions of time are available under 37 CFR 1.136(a).

The application remains abandoned.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

16 SEP 2008

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MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

In re Application of: KAINER, Karl, Ulrich, et al.
U.S. Application No.: 10/592,331
PCT No.: PCT/EP2005/002268
International Filing Date: 03 March 2005
Priority Date: 11 March 2004
Attorney's Docket No.: 30572/40329
For: METHOD FOR THE PRODUCTION OF PROFILES OF A LIGHT METAL MATERIAL BY MEANS OF EXTRUSION

DECISION ON RENEWED PETITION TO CORRECT INVENTOR'S NAME AND PETITION FOR REVIVAL (37 CFR 1.182 and 1.137(b))

This decision is issued in response to the "Renewed Petitions Under 37 CFR 1.182 And 37 CFR 1.137(b)" filed 19 August 2008. Applicant has previously paid the required petition fees.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed herein on 14 September 2007, 10 April 2008, and 21 July 2008. The 21 July 2008 decision indicated that applicants' petition to correct the inventor's name and the petition for revival under 37 CFR 1.137(b) were defective for failure to satisfy all the requirements of grantable petitions.

On 19 August 2008, applicant filed the "Renewed Petitions Under 37 CFR 1.182 And 37 CFR 1.137(b)" considered herein.

DISCUSSSION

1. Renewed Petition To Correct Inventor's Name

The present application includes a statement from the inventor, Jan Schade Van Westrum, confirming his correct name and the facts surrounding the error in the international application, including a statement that the error did not involve deceptive intent. This statement, in combination with the previously filed materials, satisfies the requirements for a grantable petition to correct the name of record for the seventh inventor from Westrum Van Schade to Jan Schade Van Westrum. Based on this correction, the declaration filed 09 October 2007, which

identifies the seventh inventor as Jan Schade Van Westrum, is now acceptable under 37 CFR 1.497 with respect to this inventor.

2. **Renewed Petition For Revival Under 37 CFR 1.137(b)**

As stated in the previous decision, the "required reply" here is a grantable petition under 37 CFR 1.182 to correct the name of the seventh inventor (which would permit acceptance of the previously filed declarations). As noted above, the renewed petition under 37 CFR 1.182 filed by applicants is now grantable. Accordingly, applicants have now provided the "required reply," the final element for a grantable petition for revival under 37 CFR 1.137(b).

CONCLUSION

Applicants' renewed petition under 37 CFR 1.182 to correct the seventh inventor's name of record is **GRANTED**.

The name of record for the seventh inventor is corrected to Jan Schade Van Westrum. Based on this correction, the declaration filed 09 October 2007 is no longer considered defective under 37 CFR 1.497 for failure to properly identify the inventors of record herein.

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 09 October 2007.

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

27 MAY 2008

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Kirkpatrick & Lockhart Preston Gates Ellis LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111-2950

In re Application of	:	
PLANTE, et al.	:	
Application No.: 10/592,337	:	
PCT No.: PCT/CA04/02059	:	COMMUNICATION
Int. Filing Date: 30 November 2004	:	
Priority Date: 11 March 2004	:	
Attorney Docket No.: MBM-002	:	
For: POLYNUCLEOTIDES FOR THE DETECTION OF ESCHERICHIA COLI O157	:	

This Communication 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" filed 19 December 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 30 November 2004, applicant filed international application PCT/CA04/02059 which claimed priority to an earlier application filed 11 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 September 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 11 September 2006.

On 11 September 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 Information Disclosure Statement and an Application Data Sheet.

On 19 June 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 a signed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date and provide payment of the surcharge for providing an oath or declaration later than thirty months from the priority date.

On 19 December 2007, applicant filed the response considered herein accompanied by a petition for a four-month extension of time and payment of the appropriate extension of time fee. With the filing of the four-month extension of time and payment of the appropriate extension of

time fee, the response is considered timely filed.

DISCUSSION

MPEP Section 201.03 states that:

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 four pages "3 of 3." This suggests that either the filed declaration was compiled from numerous declarations or that the inventors only returned their signature pages. Either scenario renders the document non-compliant with 37 CFR 1.497(a)-(b). The presently filed declaration is therefore considered a defective response to the For. PCT/DO/EO/905 mailed 19 June 2007.

CONCLUSION

Applicant is hereby afforded **ONE (1) MONTH** to file a compliant, executed oath or declaration of the inventors. Failure to provide a proper response within the one month period will result in the abandonment of the application.

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

2 3 JUL 2008

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P.O. Box 1450
Alexandria, VA 22313-1450
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Kirkpatrick & Lockhart Preston Gates Ellis LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111-2950

In re Application of	:	
PLANTE, et al.	:	
Application No.: 10/592,337	:	
PCT No.: PCT/CA04/02059	:	DECISION
Int. Filing Date: 30 November 2004	:	
Priority Date: 11 March 2004	:	
Attorney Docket No.: MBM-002	:	
For: POLYNUCLEOTIDES FOR THE DETECTION OF ESCHERICHIA COLI O157	:	

This decision is in response to applicant's response filing of 12 June 2008 in the United States Patent and Trademark Office (USPTO) regarding submission of complaint declaration and assignment of a 35 U.S.C. 371 filing date. The request is **GRANTED**.

On 27 May 2008, applicant was mailed a communication informing applicant that the filed declaration failed to satisfy 37 CFR 1.497(a)-(b) as it was compiled. Applicant was afforded one month to file a compliant oath or declaration to avoid abandonment of the application.

On 12 June 2008, applicant filed the response considered herein.

A review of the filed declaration finds that it is compliant with 37 CFR 1.497(a)-(b) and that all of the 35 U.S.C. 371 requirements have now been satisfied.

The application has an international filing date of 30 November 2004 under 35 U.S.C. 363 and will be given a date of **12 June 2008** 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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OFFICE OF PETITIONS

In re Application of :
Mike Arthur Derrenberger :
Application No. 10/592,339 : ON PETITION
Filed: September 11, 2006 :
Attorney Docket No. PU040088 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 10, 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 November 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 February 18, 2009. The Notice of Abandonment was mailed July 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

The application file is being referred to Technology Center AU 2431 for appropriate action on the concurrently filed amendment.

Terri Williams
Petitions Examiner
Office of Petitions

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

ROBERT D. SHEDD
THOMSON LICENSING LLC
P.O. BOX 5312
TWO INDEPENDENCE WAY
PRINCETON, NJ 08543-5312

MAILED

APR 07 2010

OFFICE OF PETITIONS

In re Application of
Valter Drazic
Application No. 10/592,340
Filed: June 18, 2007
Attorney Docket No. PU040075

ON PETITION

This is a decision on the petition filed January 25, 2010 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed September 4, 2009, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 5, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of formal drawings; (2) the petition fee; (3) the required statement of unintentional delay have been received.

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

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STERNE, KESSLER, GOLDSTEIN & FOX, PLLC
1100 NEW YORK AVENUE, NW
WASHINGTON, DC 20005

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DEC 09 2008

Applicant: Wada
Appl. No.: 10/592,361
Filing Date: May 24, 2007
Title: HETEROCYCLE SUBSTITUTED, N-PHENYL-PHTHALAMIDE DERIVATES, RELATED COMPOUNDS AND THEIR USE AS INSECTICIDES
Attorney Docket: 24000790000/SRL
Pub. No.: US 2007/0299085-A1
Pub. Date: December 27, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 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 publication wherein the title of the invention is incorrect.

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 does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the title. The application was correctly published with the title provided on the application as filed and the Application Data Sheet (ADS) received by the Office.

The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the title of the invention in the publication by the Office because patent application publications are not required to include preliminary amendments, according to

[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).

37 CFR 1.215(a).[2] Even if there was an error in the title of the invention, the error would not be a material mistake.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on January 31, 2008, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application 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

[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).

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

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JUL 0 9 2008

OFFICE OF PETITIONS

In re Application of :
Masako NOZAKI :
Application No. 10/592,378 : DECISION ON PETITION
Filed: September 18, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. NOZAKI.9A : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 19, 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 declaration statement from Inventor Masako Nozaki. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

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 Technology Center Art Unit 1651 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

11 MAY 2007

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Charles R. Watts
Wenderoth, Lind & Ponack, LLP
2033 "K" Street, N.W., Suite 800
Washington, D.C. 20006-1021

In re Application of :
FUTA, et al. :
Application No.: 10/592,387 :
PCT No.: PCT/JP05/08144 : DECISION ON PAPERS
Int. Filing Date: 28 April 2005 :
Priority Date: 12 May 2004 : UNDER 37 CFR 1.42
Attorney Docket No.: 2006_1204A :
For: ENCRYPTION SYSTEM, ENCRYPTION :
DEVICE, DECRYPTION DEVICE, :
PROGRAM, AND INTEGRATED :
CIRCUIT :

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 12 September 2006 is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 28 April 2005, applicant filed international application PCT/JP05/08144, which claimed priority to an earlier application filed 12 May 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 17 November 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 12 November 2006.

On 12 September 2005, 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 assignment document for recording and an executed combined 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 12 September 2006 was executed by Masami Yamamichi, Satomi Yamamichi and Keiko Yamamichi as heirs and legal representatives of the estate of deceased inventor, Masato Yamamichi. The declaration provides the citizenship for both the deceased inventor and the signing heirs/legal representatives per 37 CFR 1.497(a)(3). As such, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42.

CONCLUSION

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

This application has an international application filing date of 28 April 2005 and will be given a date of **12 September 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

15 DEC 2006

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

In re Application of HIGASHI et al	:	
U.S. Application No.: 10/592,388	:	
PCT Application No.: PCT/JP2005/004539	:	
Int. Filing Date: 15 March 2005	:	DECISION
Priority Date Claimed: 16 March 2004	:	
Attorney Docket No.: 129416	:	
For: ANISOTROPIC DIFFUSING MEDIUM AND PRODUCTION METHOD THEREFOR	:	

This is in response to applicant's "Petition for Correction of Inventorship Under 37 C.F.R. §1.48(a)" filed 06 December 2006, which is being treated under 37 CFR 1.182.

BACKGROUND

On 15 March 2005, applicant filed international application PCT/JP2005/004539, which claimed priority of an earlier Japan application filed 16 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 September 2005. The thirty-month period for paying the basic national fee in the United States expired on 16 September 2006.

On 12 September 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 06 December 2006, applicant filed an executed declaration along with the present petition under 37 CFR 1.182.

DISCUSSION

Because the petition seeks to correct an error in the name of one of the joint inventors rather than change the inventive entity, the petition is being treated under 37 CFR 1.182 instead of 37 CFR 1.48 or 37 CFR 1.497(d). Any deficiency in the requisite $400.00 petition fee will be charged to Deposit Account No. 15-0461 as authorized in the petition.

A review of the application reveals that the given name of the fourth inventor is listed as "Takashi" in the international application but is listed as "Takafumi" in the declaration. The petition is accompanied by an appropriate statement from the inventors setting forth that the error was made without deceptive intent.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 15 March 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 December 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

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30 NOV 2007

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

In re Application of TUOMASJUKKA et al	:	
U.S. Application No.: 10/592,398	:	
PCT Application No.: PCT/FI2005/000151	:	
Int. Filing Date: 14 March 2005	:	
Priority Date Claimed: 15 March 2004	:	DECISION
Attorney Docket No.: U 016481-2	:	
For: COMPOSITION; USE OF A COMPOSITION AND A METHOD FOR TREATING OBESITY	:	

This is in response to applicant's "Request for Corrected Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" filed 19 November 2007, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 14 March 2005, applicant filed international application PCT/FI2005/000151, which claimed priority of an earlier Finland application filed 15 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 September 2005. the thirty-month period for paying the basic national fee in the United States expired on 15 September 2006.

On 12 September 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 May 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 02 July 2007, applicant filed an executed declaration.

On 29 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 a date of receipt of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements of 11 July 2007.

On 19 November 2007, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application filed reveals that the declaration was received on 02 July 2007.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 14 March 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 02 July 2007.

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 a date of receipt of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements of 02 July 2007.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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MICHAEL TOBIAS
1629 K ST NW
SUITE 300
WASHINGTON DC 20006

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OFFICE OF PETITIONS

In re Application of

Kaoru Narumi

Application No. 10/592,418

Filed: September 11, 2006

Attorney Docket No. 1093

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), December 24, 2008, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of $1510.00 and publication fee of $300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed August 20, 2008. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on November 21, 2008. A Notice of Abandonment was mailed December 15, 2008.

Form PTOL-85B, filed December 24, 2008, is noted.

The application is being directed to the Office of Data Management for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

0 5 SEP 2007

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

In re Application of	
MATTEUCCI, Mark et. al.	DECISION ON
Application No.: 10/592,434	
PCT No.: PCT/US05/08161	PETITION
Int. Filing Date: 10 March 2005	
Priority Date: 10 March 2004	UNDER 37 CFR 1.137(b)
Attorney's Docket No.: 021305-004110US	
For: Hypoxia-Activated Anti-Cancer Agents	

The petition to revive under 37 CFR 1.137(b) filed 20 July 2007 in the above-captioned application is hereby **GRANTED** as follows:

On 20 July 2007 applicants filed authorization to charge a petition fee of $750 (small entity status), the basic national fee ($150), examination fee ($100) and search fee ($50) and, the surcharge for late filing of an oath or declaration ($65). In view of applicants' authorization under 37 C.F.R. 1.25(b), the amount of $1,115 will be charged to Deposit Account No. 20-1430.

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.

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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27 OCT 2006

STOUT, UXA, BUYAN & MULLINS
4 VENTURE, SUITE 300
IRVINE CA 92618

In re Application of LIU
Application No.: 10/592,453
PCT No.: PCT/GB05/00929
Int. Filing: 10 March 2005
Priority Date: 10 March 2004
Attorney Docket No.: D-3255
For: ACCESSING USER INTERACTIVE ELECTRONIC COMMUNICATIONS DEVICE

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 10 October 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in paying the basic national fee under 37 CFR 1.497(b)(I) to avoid abandonment of the above-identified application, that is from the expiration of thirty (30) months from the priority date of the above-identified application until the filing of this Petition under 37 CFR 1.137(b), 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 $150 has now 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 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

0 5 NOV 2007

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STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

In re Application of MORRIS
Application No.: 10/592,453
PCT No.: PCT/GB05/00929
Int. Filing: 10 March 2005
Priority Date: 10 April 2004
Attorney Docket No.: D-3255
For: ACCESSING USER INTERACTIVE ELECTRONIC COMMUNICATIONS DEVICES

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 26 October 2007 in the above-captioned application is hereby **DISMISSED without prejudice** for the following reasons.

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)), (3) 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

The required petition fee of $770 was also paid, satisfying Item (2). 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). However, Item (1), the proper reply, has not yet been submitted.

On 12 July 2007, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicant indicating that the declaration submitted on 4 April 2007 was not in compliance with 37 CFR 1.497(a) and (b) as the declaration did not identify the proper inventor.

On 26 October 2007, in an attempt to respond to the 916, applicant submitted the instant petition along with an executed declaration and a copy of the marriage certificate to demonstrate that inventor Tony Morris had changed his name from Tony Morris to Tony Liu due to his marriage to Erica Liu.

As stated in the MPEP §605.04(c), in cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. The petition must include an appropriate petition fee and 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. The marriage certificate is not a court order and does not set forth that Tony Morris' name changed to Tony Liu due to his marriage.

The declaration is not in compliance with 37 CFR 1.497(a) and (b). Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is DISMISSED. The

application remains abandoned.

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

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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0 4 DEC 2007

STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

In re Application of MORRIS
Application No.: 10/592,453
PCT No.: PCT/GB05/00929
Int. Filing: 10 March 2005
Priority Date: 10 April 2004
Attorney Docket No.: D-3255
For: ACCESSING USER INTERACTIVE ELECTRONIC COMMUNICATIONS DEVICES

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

This is a decision on applicant's request for reconsideration on a decision on petition to revive under 37 CFR 1.137(b) and 1.182 filed 26 November 2007 in the above-captioned application. The petition is hereby **GRANTED**.

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)), (3) 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.

A decision on the petition to revive was mailed on 05 November 2007, where it was noted that Items (2) and (3) above were satisfied. In his request filed on 26 November 2007, applicant points out that in the executed declaration, inventor Tony Morris did, indeed, provide a statement signed by the inventor setting forth both names and the procedure whereby the change of name from Tony Morris to Tony Liu was effected due to his marriage to Erica Liu. The petition under 37 CFR 1.182 is Granted. The petition under 37 CFR 1.182 is **GRANTED**.

The declaration submitted on 26 October 2007 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 **26 October 2007.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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

02 OCT 2006

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DICKSTEIN, SHAPIRO, MORIN & OSHINSKY, LLP
1177 Avenue of the Americas
41st Floor
New York, NY 10036-2714

In re Application of	:	
MERES, Oskar	:	
U.S. Application No.: 10/592,465	:	**DECISION ON**
PCT No.: PCT/EP2005/001372	:	**PETITION FOR REVIVAL**
Int. Filing Date: 11 February 2005	:	**UNDER 37 CFR 1.137(b)**
Priority Date: 11 February 2004	:	
Attorney Docket No.: G0365.0380	:	
For: SOUND ABSORBING STRUCTURES	:	

Applicant's petition to revive under 37 CFR 1.137(b) filed on 11 September 2006 is hereby **GRANTED** as follows:

The basic national fee and the petition fee has been paid. Applicant makes the required statement pursuant to 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 in compliance with 37 CFR 1.497(a) and (b) was provided.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 11 February 2005, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 11 September 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

02 OCT 2006

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ADE & COMPANY INC.
P.O. Box 28006
1795 Henderson Highway
Winnipeg, Manitoba R2G 4E9
Canada

In re Application of :
FRASER, Daniel :
U.S. Application No.: 10/592,475 :
PCT No.: PCT/CA2003/001522 :
Int. Filing Date: 10 October 2003 :
Priority Date: 10 October 2002 :
Attorney Docket No.: 82402-5902 :
For: HYDROTHERMAL MINERAL EXTRACTION :

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

Applicant's petition to revive under 37 CFR 1.137(b) filed on 11 September 2006 is hereby **GRANTED** as follows:

The basic national fee and the petition fee for a small entity has been paid. Applicant makes the required statement pursuant to 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 in compliance with 37 CFR 1.497(a) and (b) was provided.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 10 October 2003, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 11 September 2006.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 04/21/2010

Applicant	: Ryoichi Suzuki	: DECISION ON REQUEST FOR
Patent Number	: 7593296	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/592,502	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **275** 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

15 APR 2008

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

In re Application of: ARIELI, Yoel
U.S. Application No.: 10/592,544
PCT Application No.: PCT/IL2005/000285
International Filing Date: 11 March 2005
Priority Date: 11 March 2004
Attorney's Docket No.: 026571-000100US
For: METHODS AND APPARATUS FOR WAVEFRONT MANIPULATIONS AND IMPROVED 3-D MEASUREMENTS

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182" filed 11 April 2008, which seeks to correct the international application number on the national stage application papers filed 11 September 2006 so as to allow such materials to be treated as the U.S national stage of PCT/IL2005/000285. Deposit Account No. 20-1430 will be charged the required $400 petition fee.

BACKGROUND

On 11 March 2005, applicants filed international application PCT/IL2005/000285. The international application claimed a priority date of 11 March 2004, and it designated the United States. On 22 September 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 September 2006.

On 11 September 2006, applicants filed papers to initiate a U.S. national stage application. This submission included, among other materials, a Transmittal Letter (Form PTO-1390), an Application Data Sheet (ADS), a copy of international application PCT/IL2005/000285, and payment of the basic national fee.

The Form PTO-1390 Transmittal Letter filed by applicants on 11 September 2006 identified the international application as PCT/US2005/000285. Based on this indication, the present application was established in the USPTO as the U.S. national stage of PCT/US2005/000285.

On 11 April 2008, applicants filed the "Petition Under 37 CFR 1.182" considered herein. The petition seeks to correct the indication of the incorrect international application number in the Form PTO-1390 filed 11 September 2006 so as to allow the accompanying national stage materials to be treated as the U.S. national stage of PCT/IL2005/000285.

DISCUSSION

As noted above, the Transmittal Letter filed 11 September 2006 incorrectly identified the international application to which the submission was directed. Based on this error, the submission was established in the USPTO as the U.S. national stage of the international application identified on the Form PTO-1390, that is, PCT/US2005/000285. Correction of this error is required before the materials filed 11 September 2006 may be treated as having been directed to international application PCT/US2005/000285, as necessary to avoid abandonment of such international application with respect to the United States.

In the present petition, applicant confirms that the listing of international application PCT/US2005/000285 in the Transmittal Letter filed 11 September 2006 was the result of an error, and that the correct international application to which these materials were intended to be directed is PCT/IL2005/000285. The petition notes that the correct international application number was listed on the ADS filed 11 September 2006, and that a copy of the correct international application was included with the 11 September 2006 filing. The petition also includes payment of the required petition fee.

The present submission satisfies the requirements for a grantable petition to correct the error in the application materials filed 11 September 2006. Based on this correction, such materials, including the basic national fee, are treated as having been filed as the U.S. national stage of PCT/IL2005/000285 prior to the expiration of thirty months from the priority date.

CONCLUSION

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

The present application, U.S. application number 10/592,544, will be treated as the national stage of PCT/IL2005/000285.

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). It is noted that a declaration in compliance with 37 CFR 1.497 has not yet been filed.

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

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919 CONGRESS AVENUE
SUITE 919
AUSTIN, TX 78701

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FEB 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Wesley Mark McAfee :
Application No. 10/592,560 : DECISION ON PETITION
Filed: September 13, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. ABTA001US1 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.59(b), filed November 7, 2007, to expunge information submitted in support of a petition to make special and under 37 CFR 1.102(c)(1) to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition under 37 CFR 1.59(b) is **DISMISSED.**

Petitioner requests that the document supporting the petition to make special filed on November 7, 2007 to be expunged.

While the document may not be material to patentability in itself, the USPTO under the Administrative Procedures Act is required to maintain a complete record of the proceedings in a patent application. As it is necessary to maintain a complete record of the evidence upon which a decision on petition to make special was based the document will not be expunged.

The petition under 37 CFR 1.102(c)(1) is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence showing such as a doctor's certificate or other medical certificate that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition includes the required doctor's statement. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to April Wise 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 3676 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

United States Patent and Trademark Office

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

Yul Lavauno Anderson
1003 Vervais Avenue
Vallejo, CA 94591

28 SEP 2006

In re Application of	:	
Anderson	:	
Application No.: 10/592,576	:	DECISION
PCT No.: PCT/EP03/13491	:	
Int. Filing Date: 14 January 2004	:	ON
Earliest Priority Date: 27 November 2003	:	
Attorney Docket No.: N/A	:	PETITION
For: VSR Surround Tube Headphone	:	

The petition to revive under 37 CFR 1.137(b) filed 13 September 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

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

This application is being forwarded to the United States Designated/Elected Office for further processing. The date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is **13 September 2006**.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

09/27/2006 SBASHEIR 00000007 10592576

01 FC:2631	150.00 OP
02 FC:2453	750.00 OP
03 FC:2617	65.00 OP

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OFFICE OF PETITIONS

YUL LAVAUNO ANDERSON
1003 VERVAIS AVENUE
VALLEJO CA 94591

In re Application of
Yul Lavauno Anderson
Application No. 10/592,576
Filed: September 13, 2006
For: VSR SURROUND SOUND TUBE HEADPHONE

DECISION ON PETITION

This is a decision on the petition, filed March 19, 2010, which is being treated, under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

The petition under 37 CFR 1.181(a) is **GRANTED**.

The application was held abandoned for failure to timely reply to the Office action mailed August 21, 2008.

The petition states that a reply was timely submitted on September 2, 2008. To support this assertion, the petitioner has submitted a copy of the response. Additionally, Office records show receipt of the response on September 2, 2008 and again on September 8, 2008.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

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.

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

This application is being referred to Technology Center AU 2614 for appropriate action by the Examiner in the normal course of business on the reply received September 8, and September 2, 2008.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

16 SEP 2008

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PYLE & PIONTEK LLC
221 N. LASALLE STREET, SUITE 2036
CHICAGO, IL 60601

In re Application of HOLEC :
U.S. Application No.: 10/592,578 :
PCT Application No.: PCT/GB2005/001126 : DECISION
Int. Filing Date: 11 March 2005 :
Priority Date Claimed: 12 March 2004 :
Attorney Docket No.: IMV 40020 :
For: FLUID FLOW MONITORING DEVICE :

This is in response to the correspondence filed 08 September 2008, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 11 March 2005, applicant filed international application PCT/GB2005/001126, which claimed priority of an earlier United Kingdom application filed 12 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 September 2005. The thirty-month period for paying the basic national fee in the United States expired on 12 September 2006.

On 12 September 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 11 May 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 10 July 2007, applicant purportedly filed an executed declaration.

On 20 May 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 respond to the Notification of Missing Requirements.

On 08 September 2008, applicant filed the present correspondence.

DISCUSSION

The evidence of record is sufficient to establish that the declaration was originally filed on 10 July 2007. Specifically, the copy of the return postcard, which includes the declaration in its itemized contents and which bears a USPTO date stamp of 10 July 2007, serves as *prima facie* evidence that the declaration was received by the USPTO on 10 July 2007.

CONCLUSION

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

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 20 May 2008 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 11 March 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 10 July 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

UNITED STATES PATENT AND TRADEMARK OFFICE

13 MAR 2007

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ARMSTRONG WORLD INDUSTRIES, INC.
LEGAL DEPARTMENT
P. O. BOX 3001
LANCASTER PA 17604-3001

In re Application of:
FRECSKA, Sandor, et al.
U.S. Application No.: 10/592,614
PCT No.: PCT/US2005/001487
International Filing Date: 14 January 2005
Priority Date: 14 January 2004
Atty Docket No.: 0401
For: SUSPENDED CEILING GRID NETWORK UTILIZING SEISMIC SEPARATION JOINT CLIPS

DECISION

This decision is issued in response to applicant's 22 February 2007 correspondence, treated herein as a petition under 37 CFR 1.181 to confirm the 12 September 2006 filing of the present national stage application and the petition for revival under 37 CFR 1.137(b) included therein. Applicant has paid the fee required for the petition for revival under 37 CFR 1.137(b); no fee is required for the petition under 37 CFR 1.181.

BACKGROUND

On 14 January 2005, applicant filed international application PCT/US2005/001487. The international application claimed a priority date of 14 January 2004, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 14 July 2006.

Applicant did not file the basic national fee prior to the expiration of the thirty-month deadline. Accordingly, this application became abandoned with respect to the United States at midnight on 14 July 2006.

On 22 February 2007, applicant filed the correspondence considered herein. The submission asserts that applicant filed materials to initiate the present application on 12 September 2006. Accompanying the submission are copies of the materials that were originally filed on 12 September 2006, including a transmittal letter, certificate of express mail, petition for revival under 37 CFR 1.137(b), check for $2,500, thirteen page specification, and four sheets of drawings.[1] The petition also includes a copy of a return postcard that itemizes the materials filed by applicants to initiate the present application; this return postcard bears a USPTO receipt stamp dated 12 September 2006.

[1] The specification and drawings provided are a copy of the publication of international application PCT/US2005/001487.

DISCUSSION

1. Petition Under 37 CFR 1.181

Section 503 of the Manual of Patent Examining Procedure states, in part:

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

Here, as noted above, applicant has provided a copy of a return postcard that itemizes the previously filed materials and bears a USPTO receipt stamp dated 12 September 2006. Based on the statements in the present submission and the return postcard, it is concluded that the materials accompanying the 22 February 2007 submission were originally filed on 12 September 2006.

2. Petition For Revival Under 37 CFR 1.137(b)

The petition for revival filed 12 September 2006 states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement satisfies the requirements of 37 CFR 1.137(b)(3). 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 is properly granted as to the national stage in the United States of America.

It is noted that an executed "Declaration of Inventorship" under PCT Rule 4.17(iv) was filed during the international phase of this application.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED**. The transmittal letter, certificate of express mailing, fee payment, specification and claims accompanying applicants 22 February 2007 correspondence are treated as having been originally filed on 12 September 2006.

The petition for revival under 37 CFR 1.137(b) is **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 12 September 2006.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OFFICE OF PETITIONS

In re Application of :
Vincent Moreau :
Application No. 10/592,646 : ON PETITION
Filed: September 13, 2006 :
Attorney Docket No. KBAG-21 :

This is a decision regarding your request under 37 CFR 1.28. for acceptance of a fee deficiency submission and loss of small entity status filed April 26, 2010.

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.33d 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 and the petition is **GRANTED**. Status as a small entity has also been removed.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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11 MAY 2007

Welsh & Katz Ltd.
120 S. Riverside Plaza
22nd Floor
Chicago, IL 60606

In re Application of	:	
BOGOT, Carmi et al.	:	
Application No.: 10/592,650	:	DECISION ON
PCT No.: PCT/IL2005/000580	:	
Int. Filing Date: 02 June 2005	:	PETITION
Priority Date: 22 June 2004	:	
Attorney Docket No.: 7251-95838	:	UNDER 37 CFR 1.182
For: DIGITAL RIGHTS MANAGEMENT SYSTEM	:	

This decision is in response to applicants' petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 02 October 2006.

BACKGROUND

On 13 September 2006, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The most papers listed international application no. PCT/IL2006/000580, but some data indicated international application was PCT/IL2005/000580.

On 02 October 2006, 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/IL2005/000580.

On 16 November 2006, applicants submitted a declaration of the inventors.

DISCUSSION

Applicants have explained that the paperwork was intended as a national stage entry of PCT/IL2005/000580. The indications will be corrected in the file and the file will be processed as a national stage entry of PCT/IL2005/000580.

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

Acceptance (Form PCT/DO/EO/903) indicating that the application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 16 November 2006.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

26 SEP 2007

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INTELLECTUAL PROPERTY LAW DEPARTMENT
PO BOX 1895, M.S. 641
NEW HOLLAND PA 17557

In re Application of:
GIANOGLIO, Renato, et al.
U.S. Application No.: 10/592,654
PCT No.: PCT/EP2005/002719
International Filing Date: 15 March 2005
Priority Date: 17 March 2004
Attorney's Docket No.: 18432
For: METHOD AND DEVICE FOR DAMPING THE DISPLACEMENT

DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' submission on 14 May 2007 of a declaration executed on behalf of deceased inventor Renato GIANOGLIO by the deceased inventor's legal representative Claudia SUPPARO, considered herein under 37 CFR 1.42 and 1.497.

BACKGROUND

On 15 March 2005, applicants filed international application PCT/EP2005/002719. The international application claimed an earlier priority date of 17 March 2004, and it designated the United States. On 29 September 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., 17 September 2006.

On 13 September 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 14 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 executed 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 May 2007, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and the declaration considered herein under 37 CFR 1.42 and 1.497.

On 17 September 2007, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) and a filing receipt identifying the date under 35 U.S.C. 371(c) as 14 May 2007.

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 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 "Added Page To Combined Declaration And Power Of Attorney For Signing By Administrator(trix), Executor(trix), or Legal Representative On Behalf Of Deceased Inventor" included as part of the declaration filed 14 May 2007 is executed by Claudia SUPPARO, identified thereon as the legal representative of the deceased inventor, and this page identifies the required citizenship, residence, and mailing address information for the legal representative. The declaration also includes the citizenship of the deceased inventor and all other information required under 37 CFR 1.497.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Renato GIANOGLIO 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 May 2007.

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
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	: Uwe Skultety-Betz	: DECISION ON REQUEST FOR
Patent Number	: 7583071	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/592,657	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **148** 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 OCT 2006

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Douglas E. Jackson
Stities & Harbison PLLC
1199 N. Fairfax Street, Suite 900
Alexandria VA 22314

In re Application of: Oliver, et al.	:	
Application No.: 10/592,674	:	
PCT Application No.: PCT/GB04/05191	:	DECISION ON PETITION
Int. Filing Date: 9 December 2004	:	UNDER 37 CFR 1.137(b)
Priority Date Claimed: 17 December 2003	:	
Attorney Docket No.: P08975US00/DEJ	:	
For: Conditioning Garments		

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 13 September 2006.

BACKGROUND

On 9 December 2004, Applicant filed international application PCT/GB04/05191, which claimed a priority of an earlier application from the United Kingdom filed on 17 December 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 June 2006.

International application PCT/GB04/05191 became abandoned as to the United States for failure to timely pay the basic national fee.

On 13 September 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition

under 37 CFR 1.137(b) must be accompanied by (1) the required reply, (2) the petition 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 and fee (if the international application was filed prior to June 8, 1995).

With regard to Item (1), applicant has provided the required reply under 35 U.S.C. 371. A copy of the international application is not required, as the application was filed in the United States Receiving Office (RO/US).

With regard to Item (2), the appropriate petition fee of $750 as required by 37 CFR 1.17(m) has been paid.

With regard to Item (3), Applicant's statement that "[t]he entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" has been satisfied.

With regard to Item (4), a terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

For the reasons above, the petition to revive the international application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America, and will be processed, under 35 U.S.C. 371, as application number **10/592,674**.

Application number **10/592,674** is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

Peter B. Kim
PCT Legal Administration Detailee
Telephone: 571-272-6095
Facsimile: 571-273-0459

Boris Milef
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

MAILED

MAY 2 1 2010

OFFICE OF PETITIONS

In re Patent of Oliver, et al. :
Patent No. 7,681,249 :
Issued: March 23, 2010 :
Application No. 10/592,674 :
Filed: September 13, 2006 :
Attorney Docket No. P08975US00/DEJ

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed February 23, 2010.

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

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

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

2 4 JUL 2008

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

In re Application of	:	
TERAO, Yukizumi et al.	:	
Application No.: 10/592,710	:	DECISION ON
PCT No.: PCT/JP2005/0033776	:	
Int. Filing Date: 01 March 2005	:	PETITION
Priority Date: 15 March 2004	:	
Attorney's Docket No.: Q95987	:	UNDER 37 CFR 1.182
For: GAME SERVER SYSTEM, GAME ELEMENT PROVIDING METHOD, GAME DEVICE, AND PROGRAM PRODUCT	:	

This decision responds to applicants' Petition Under 37 C.F.R. §1.182, filed with the United States Patent and Trademark Office on 27 May 2008.

BACKGROUND

On 13 September 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by the basic national fee and a declaration of the inventors.

On 26 March 2008, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required and that the current declaration lists a different name for the 9th inventor than is listed on the international application.

On 27 May 2008, applicants submitted a petition under 37 CFR 1.182.

DISCUSSION

The declaration is executed by "Sachiko Seino". The international application listed "Sachiko Kiyono".

Applicants has supplied a statement signed by "Sachiko Seino" stating that her name was incorrectly translated. However, in the petition, applicants indicate that both "Sachio Seino and Sachiko Seino" are the correct spelling of the inventor's name. Clarification of this discrepancy is required. If it was a typographical error, a statement to that effect and a statement of which spelling is correct is required.

Additionally, the declaration does not comply with 37 CFR 1.497(a)-(b) as it contains non-initialed, non-dated alterations. A new oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required. 37 CFR 1.52(c)(1) states that "[a]ny interlineation, erasure, cancellation or other alteration of the application papers filed must be made before the signing of any accompanying oath or declaration and should be dated and initialed or signed by the applicant on the same sheet of paper." "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). It is also noted that in Ms. Seino's statement, she indicates that the declaration originally sent to her listed her name incorrectly. That name is now stricken and "Seino" is listed next to it. However, Ms. Seino was not the first person to execute the declaration, as evidenced by the dates of execution.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

Applicants are required to submit clarification of the name discrepancy and an oath or declaration in compliance with 37 CFR 1.497(a)-(b) 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 1.182."

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

UNITED STATES PATENT AND TRADEMARK OFFICE

25 FEB 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 :
TERAO et al. :
Application No.: 10/592,710 : DECISION ON
PCT No.: PCT/JP05/03376 : RENEWED PETITION
Int. Filing Date: 01 March 2005 : UNDER
Priority Date: 15 March 2004 : 37 CFR 1.182
Attorney Docket No.: Q95987 :
For: GAME SERVER SYSTEM, GAME ELEMENT PROVIDING METHOD, GAME DEVICE, AND PROGRAM PRODUCT

This decision is issued in response to applicants' "Renewed Submission under 37 CFR 1.182 to Correct Inventor's Name" filed 09 December 2008. Applicants are notifying the Office that the name of the ninth inventor is Sachiko Seino as indicated on the declaration rather than Sachiko Kiyono as indicated on the published international application.

In the published international application, the ninth inventor was identified as Sachiko Kiyono . On the declaration filed 09 December 2008, this inventor was identified as Sachiko Seino. With respect to corrections in an inventor's name, section 605.04(b) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> 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, discrepancy in the ninth inventor's name is more than a mere typographical error or a phonetic misspelling of the applicant's name; accordingly, the present petition under 37 CFR 1.182 is required in order to correct the inventor's name as requested.

Here, applicants' previous submission included $400, satisfying the petition fee requirement. Additionally, applicants have submitted the required statement from the

inventor confirming the name correction and that the error occurred without deceptive intent.

Based on applicants' statements herein, it is accepted that the correct full name for the ninth inventor herein is Sachiko Seino, as set forth on the declaration filed 09 December 2008.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to correct the name of record for the ninth inventor herein is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office for further processing and for review of the national stage papers submitted 09 December 2008.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

MAILED

APR 16 2010

OFFICE OF PETITIONS

In re Application of :
Masao Masugi, et al. :
Application No.: 10/592,717 : ON PETITION
Filed: September 13, 2006 :
Attorney Docket No.: 44471/334976 :

This is a decision on the petition, filed April 15, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 31, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2431 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new 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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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

JUL 16 2007

In re Application of	:	
Yutaka OHMORI	:	DECISION ON REQUEST TO
Application No. 10/592729	:	PARTICIPATE IN PATENT
Filed: September 14, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 062977	:	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) and the preliminary amendment, both filed July 2, 2007, 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 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.

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

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.

Kathryn Gorgos
TQAS TC 1700

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UNITED STATES DEPARTMENT OF COMMERCE
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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 04/20/2010

Applicant	: Johan Christiaan Kapteyn	: DECISION ON REQUEST FOR
Patent Number	: 7638608	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/592,743	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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

05 DEC 2008

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

In re Application of	:	
Hui et al.	:	
Application No.: 10/592,766	:	DECISION
PCT No.: PCT/US2005/012446	:	
Int. Filing Date: 12 April 2005	:	ON
Priority Date: 12 April 2004	:	
Attorney Docket No.: 05-791-US	:	PETITION
For: Information Processing And Transportation Architecture For Data Storage	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 14 October 2008.

BACKGROUND

This international application was filed on 12 April 2005, claimed an earliest priority date of 12 April 2004, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 12 October 2006. Applicants filed *inter alia* the basic national fee on 14 September 2006.

On 12 March 2008, 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

As a preliminary matter, it is noted that the petition is not properly signed because the S-signature is defective (in that no name was provided with the s-signature; see 37 CFR 1.4(d)(2)(iii)). The following treatment is provided as a courtesy to applicants.

Petitioner alleges that "the assignee has been unable to reach inventors Jain and Gurumohan after diligent effort." 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 has been paid.

Regarding **requirement (2)**, petitioner states, and provides declaratory evidence to the effect, that email correspondence was sent to inventors Jain and Gurumohan on several occasions, but petitioner has not received a signed declaration from either of these inventors. It is noted that it appears that the first of these emails to attach a copy of the application itself appears to be the email dated 09 September 2008.

The declaratory statement from Khera Douglass further indicates that copies of the declaration and the application were sent by mail to the inventors in question on 09 October 2008. However, since the petition was filed a mere five days after this mailing, it is not clear whether the inventors received the mailing, nor would it be appropriate to construe their failure to return signed declarations as a "refusal." Petitioner has not provided appropriate and sufficient evidence of any other diligent efforts undertaken to ascertain the whereabouts of either Jain or Gurumohan - for instance, copies of internet searches, telephone directory searches, voter registration searches, evidence of inquiries made of known associates, or the like. Based on the totality of the evidence now of record, it would not be appropriate to conclude that petitioner has established either that the inventors could not be found or reached after diligent effort, or that they have refused to execute the application, within the meaning of 37 CFR 1.47(a).

Regarding **requirement (3)**, the petition includes a statement of the last known addresses of the non-signing inventors.

Regarding **requirement (4)**, the declaration filed on 14 October 2008 is suitable.

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/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

United States Patent and Trademark Office

18 DEC 2008

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300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

In re Application of Hui et al.	
Application No.: 10/592,766	DECISION
PCT No.: PCT/US2005/012446	
Int. Filing Date: 12 April 2005	ON
Priority Date: 12 April 2004	
Attorney Docket No.: 05-791-US	PETITION
For: Information Processing And Transportation Architecture For Data Storage	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 10 December 2008.

DISCUSSION

In a Decision mailed on 05 December 2008, the petition under 37 CFR 1.47(a) filed on 14 October 2008 was dismissed, without prejudice, because requirement (2) had not been satisfied.

Petitioner now presents "the properly executed oaths and declarations of the named inventors." Inspection of the declaration filed on 10 December 2008 reveals that it has been signed by all of the inventors named in the published international application. However, the changes to Prabhanjan Gurumohan's residential and postal addresses were not initialed. In addition, the declaration appears to have been assembled from separately signed sheets; it appears that petitioner has not provided complete copies of the declaration document(s) as actually signed by the inventors. MPEP 201.03 explains in part that

> 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).

In view of this policy, it would not be appropriate to accept the declaration filed on 10 December 2008 for purposes of compliance with 37 CFR 1.497(a) and (b). However, since all of the inventors have signed a declaration, the petition under 37 CFR 1.47(a) is 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 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).

/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

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28 SEP 2006

Steven M. Rabin
Rabin and Berdo, P.C.
1101 14th Street, NW, Suite 500
Washington, DC 20005

In re Application of	:	
SEKINE, et al.	:	
Application No.: 10/592,777	:	
PCT No.: PCT/JP04/03302	:	DECISION ON PETITION
Int. Filing Date: 12 March 2004	:	
Priority Date: None	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: FEC-176NP	:	
For: SWITCHING DEVICE	:	

The petition to revive under 37 CFR 1.137(b) filed 14 September 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. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors is required.

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

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P.O. Box 1450
Alexandria, VA 22313-1450
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23 JAN 2008

Rabin & Berdo, PC
1101 14th Street, NW
Suite 500
Washington, DC 20005

In re Application of	:	
SEKINE, et al.	:	
U.S. Application No.: 10/592,777	:	DECISION ON PETITION
PCT No.: PCT/JP04/03302	:	
Int. Filing Date: 12 March 2004	:	UNDER 37 CFR 1.181
Priority Date: None	:	
Atty. Docket No.: FEC-176NP	:	
For: SWITCHING DEVICE	:	

This decision is in response to applicant's "Petition to Withdraw Holding of Abandonment And Request For Re-Transmittal of Notification of File Missing Requirements" filed 07 January 2008 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 28 September 2006, applicant was mailed a decision granting applicant's petition to revive the above-captioned application pursuant to 37 CFR 1.137(b).

On 04 December 2006, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

On 20 December 2007, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the Form PCT/DO/EO/905 mailed 04 December 2006 within the time period set therein and that above-identified application was abandoned as to the United States.

On 07 January 2008, applicant filed the petition considered herein.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides that a petition requesting relief based on the grounds that an Office action was not received must be accompanied by a statement that (1) the Office action was not received, (2) attests that a search of the file jacket indicates the Office action was not

received, (3) attests that a search of counsel's docket records indicates the Office action was not received and (4) the Petition must also be accompanied by copies of the docket records where the non-received Office action would have been entered. (See also, Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971). Applicant has satisfied all items listed above showing that the Form PCT/DO/EO/905 mailed 04 December 2006 was not received. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment mailed 20 December 2007 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision and the re-mailing of a Notification of Missing Requirements (PCT/DO/EO/905).

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

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1940 DUKE STREET
ALEXANDRIA VA 22314

10/16/08

In re Application of:
TESHIMA, KOICHI et al
Serial No.: 10/592,796
Filed: Sep. 14, 2006
Docket: 295943US3X PCT
Title: COMPOSITE TWISTED YARN

DECISION ON PETITION
UNDER 37 CFR 1.91

This is a decision on the petition for request entry of samples supporting the affidavits filed under 37 CFR 1.132.

The petition filed on Sep. 2, 2008 requests entry of samples filed with the Rule 132 affidavits under 37 CFR 1.91[1] and includes the required petition and the required fees as set forth in 37 CFR 1.17(h). The fee of $130.00 was charged against the Deposit Account in accordance with 37 CFR 1.17(h) as authorized in the petition.

The request to enter the samples and the petition comply with the requirements as set forth in 37 CFR 1.91. Accordingly, the requested entry of the samples in the file record is granted. Currently, the samples have been placed in a separate artifact file.

The application is being forwarded to the examiner for consideration of Rule 116 amendment field on Sep. 2, 2008. Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **granted**.

Donald T. Hajec, Director
Technology Center 3700

[1] § 1.91 Models or exhibits not generally admitted as part of application or patent. (a) A model or exhibit will not be admitted as part of the record of an application unless it: (1) Substantially conforms to the requirements of § 1.52 or § 1.84; (2) Is specifically required by the Office; or (3) Is filed with a petition under this section including: (i) The fee set forth in § 1.17(h); and (ii) An explanation of why entry of the model or exhibit in the file record is necessary to demonstrate patentability. (b) Notwithstanding the provisions of paragraph (a) of this section, a model, working model, or other physical exhibit may be required by the Office if deemed necessary for any purpose in examination of the application. (c) Unless the model or exhibit substantially conforms to the requirements of § 1.52 or § 1.84 under paragraph (a)(1) of this section, it must be accompanied by photographs that show multiple views of the material features of the model or exhibit and that substantially conform to the requirements of § 1.84.

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Mail Date: 04/20/2010

Applicant	: Tetsuya Okamoto	: DECISION ON REQUEST FOR
Patent Number	: 7628592	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/592,803	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **562** 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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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

MAILED

JUN 0 7 2010

OFFICE OF PETITIONS

In re Application of :
LOMBANO, Frank et al. :
Application No. 10/592,835 : DECISION ON PETITION
Filed: September 14,2006 : TO WITHDRAW
Attorney Docket No. **207548-00005** : 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 05, 2010.

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 act one (1) noted in the above-identified certifications has 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

13 MAY 2008

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BRINKS HOFER GILSON & LIONE
ONE INDIANA SQUARE, SUITE 1600
INDIANAPOLIS IN 46204-2033

In re Application of	:
GEADLOWE et al.	:NOTIFICATION
U.S. Application No.: 10/592,843	:
PCT Application No.: PCT/GB05/01032	ON SUBMISSION
Int. Filing Date: 14 March 2005	:
Priority Date: 16 March 2004	:UNDER 35 U.S.C. 371
Attorney Docket No.: 13157/003	:
For: DISPLACEABLE PLATFORM STRUCTURE AND METHOD OF THE DISPLACEMENT THEREOF	:

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371.

On 14 September 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/**EP04/02817**. The accompanying papers including declaration, were directed to PCT/**GB05/01032**. The papers were assigned U.S. application number 10/592,843.

If applicant wishes that this application proceed, applicant must file a petition under 37 CFR 1.182 to correct the international application number.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Such response should include a cover letter entitled "Petition Under 37 CFR 1.182."

It is noted that the papers submitted on 08 April 2008 to this application number are directed to PCT/**EP04/02817**.

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

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-328
Facsimile: (571) 273-0459

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26 JUN 2008

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BRINKS HOFER GILSON & LIONE
ONE INDIANA SQUARE, SUITE 1600
INDIANAPOLIS IN 46204-2033

In re Application of
GLEADLOWE et al.
U.S. Application No.: 10/592,843
PCT Application No.: PCT/GB05/01032
Int. Filing Date: 14 March 2005
Priority Date: 16 March 2004
Attorney Docket No.: 13157/003
For: DISPLACEABLE PLATFORM STRUCTURE AND METHOD OF THE DISPLACEMENT THEREOF

: DECISION ON
: ON PETITION
: UNDER 37 CFR 1.182

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371 and applicant's petition under 37 CFR 1.182 filed on 20 May 2008.

On 14 September 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/**EP04/02817**. The accompanying papers including declaration, were directed to PCT/**GB05/01032**. The papers were assigned U.S. application number 10/592,843.

On 12 May 2008, the USPTO advised that if applicant wished to proceed with this application, applicant must file a petition under 37 CFR 1.182 to correct the discrepancy in the international application number.

On 20 May 2008, applicant filed a "Petition Under 37 CFR 1.182" along with a petition fee of $400. Applicant requests that the international application number be corrected to PCT/GB05/01032.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/GB05/01032 on the national stage papers filed on 14 September 2006 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/**GB05/01032**.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-328
Facsimile: (571) 273-0459

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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

Mail Date: 04/27/2010

Applicant	: Takumi Kadota	: DECISION ON REQUEST FOR
Patent Number	: 7595414	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/592,876	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **504** 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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401 9TH STREET, NW
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WASHINGTON, DC 20004-2128

Mail Date: 04/27/2010

Applicant	: Takumi Kadota	: DECISION ON REQUEST FOR
Patent Number	: 7595414	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/592,876	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **504** 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 NOV 2006

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KELLEY DRYE & WARREN LLP
TWO STAMFORD PLAZA
281 TRESSER BOULEVARD
STAMFORD, CT 06901

In re Application of	:	
LOHRAY, Braj et al.	:	
Application No.: 10/592,880	:	DECISION
PCT No.: PCT/IN02/00155	:	
Int. Filing Date: 25 July 2002	:	ON PETITION UNDER
Priority Date: 26 July 2001	:	
Docket No.: CHL-102.2(CIP)	:	37 CFR 1.137(b)
For: NOVEL PYRROLES ... USE IN MEDICINE	:	

Applicant's "Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the above-captioned application on 14 September 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.

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. 11-0404.

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

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

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MENDELSOHN, DRUCKER, & ASSOCIATES, P.C.
1500 JOHN F. KENNEDY BLVD., SUITE 405
PHILADELPHIA, PA 19102

Mail Date: 05/18/2010

Applicant	: Xiaotong Lin	: DECISION ON REQUEST FOR
Patent Number	: 7640462	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/592,882	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **504** 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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NOVAK DRUCE DELUCA + QUIGG LLP
1300 EYE STREET NW
SUITE 1000 WEST TOWER
WASHINGTON DC 20005

9/23/09

In re Application of:
COX, DANIEL J. et al
Serial No.: 10/592,883
Filed: Sep. 15, 2006
Docket: 3053.149.US
Title: METHOD, APPARATUS, AND COMPUTER PROGRAM PRODUCT FOR STOCHASTIC PSYCHO-PHYSIOLOGICAL ASSESSMENT OF ATTENTIONAL IMPAIRMENTS

DECISION ON PETITION TO WITHDRAW FINALITY OF THE FINAL OFFICE ACTION

This is a decision on the petition filed on September 4, 2009 to withdraw the finality of the Office action of May 14, 2009.

The petition is **DISMISSED as untimely**.

The examiner issued a non-final Office action on October 2, 2008 rejecting all claims in the application. In response to the office action, on February 2, 2009, the applicant filed an amendment by broadening at least independent claims 1 and 17 and traversed the rejection. It should be noted that by broadening the claims, this effectively changed the scopes of claimed invention. A new search is always required. In response to the amendment to the claims, on May 14, 2009 the examiner issued a final Office action with new grounds of rejection. On August 14, 2009, the applicant filed a response to the final rejection of May 14, 2009 with additional claim amendment and traversal of the rejection. On September 4, 2009, the examiner issued an advisory action informing the applicant that the response to the final rejection will not be entered because the substantive claim amendment under Rule 1.116 raises new issue and requires further consideration and search. On September 4, 2009, the current petition to withdraw the finality of the final Office action of May 14, 2009 was filed.

The petitioner's request to withdraw the finality of the Office action mailed on May 14, 2009 was based on the fact that the examiner has introduced new ground of rejection because the examiner applied newly cited U.S. Patent No. 7,347,818 to Simon against the claims.

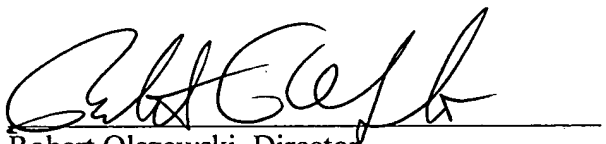
Applicable Rules or Statutes

37 CFR 1.181(f):
The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

Review of the record shows that the instant petition was filed more than three months after the mailing date of the final Office action of May 14, 2009. Pursuant to 37 CFR 1.181(f), the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the relief requested will not be granted. Petitioner is entitled to request reconsideration of this decision provided that the request for reconsideration is filed within two months of the date of this decision.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3735 for further processing. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR § 1.181(f). No extension of time under 37 CFR § 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR § 1.181". The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at 571-272-4856.

PETITION DISMISSED



Robert Olszewski, Director
Technology Center 3700

United States Patent and Trademark Office

17 MAR 2008

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DURECT CORPORATION
THOMAS P. MCCRACKEN
2 RESULTS WAY
CUPERTINO CA 95014

In re Application of :
Theeuwes et al. :
Application No.: 10/592,886 : DECISION
PCT No.: PCT/US2005/008743 :
Int. Filing Date: 15 March 2005 : ON
Priority Date: 15 March 2004 :
Attorney Docket No.: DURE-051 : PETITION
For: Pharmaceutical Compositions :
For Administration To A Sinus :

This is in response to the petition under 37 CFR 1.47(a) filed on 09 January 2008.

BACKGROUND

This international application was filed on 15 March 2005, claimed an earlier priority date of 15 March 2004, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 15 September 2006. filed *inter alia* the basic national fee on 15 September 2006.

On 04 June 2007, 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

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 petition fee has been paid.

Regarding **requirement (2)**, petitioner seeks relief under 37 CFR 1.47(a) on the basis that joint inventor Tipton 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

Petitioner states that "Mr. Tipton has continuously and consistently failed to sign or execute any patent-related documents after his severance from the company in March of 2004." However, petitioner neither alleges nor shows that Mr. Tipton has refused to execute this specific application after having been presented with a complete copy of the application papers and an oath or declaration document directed thereto. In the absence of a showing of the type described at MPEP 409.03(d), it would not be appropriate to conclude that requirement (2) has been satisfied at this time.

Regarding **requirement (3)**, the petition states the last-known addresses of the non-signing inventor. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, the declaration of inventorship accompanying the instant petition is defective in that it does not nominate the inventive entity (it appears that the third sheet of the document was not filed). The declaration filed on 15 September 2006 was unsigned.

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)." 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

10 NOV 2008

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THOMAS P. MCCRACKEN
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CUPERTINO CA 95014

In re Application of
Theeuwes et al.
Application No.: 10/592,886
PCT No.: PCT/US2005/008743
Int. Filing Date: 15 March 2005
Priority Date: 15 March 2004
Attorney Docket No.: DURE-051
For: Pharmaceutical Compositions
For Administration To A Sinus

DECISION

ON

PETITION

This is in response to the renewed petitions under 37 CFR 1.47(a) filed on 22 September 2008 and 03 October 2008.

DISCUSSION

In a Decision mailed on 17 March 2008, the petition under 37 CFR 1.47(a) filed on 09 January 2008 was dismissed, without prejudice, because

> Regarding **requirement (2)**, petitioner seeks relief under 37 CFR 1.47(a) on the basis that joint inventor Tipton has refused to execute the application. Counsel's attention is respectfully drawn to MPEP 409.03(d)... Petitioner states that "Mr. Tipton has continuously and consistently failed to sign or execute any patent-related documents after his severance from the company in March of 2004." However, petitioner neither alleges nor shows that Mr. Tipton has refused to execute this specific application after having been presented with a complete copy of the application papers and an oath or declaration document directed thereto. In the absence of a showing of the type described at MPEP 409.03(d), it would not be appropriate to conclude that requirement (2) has been satisfied at this time.
>
> Regarding **requirement (4)**, the declaration of inventorship accompanying the instant petition is defective in that it does not nominate the inventive entity (it appears that the third sheet of the document was not filed). The declaration filed on 15 September 2006 was unsigned.

In response, petitioner has provided a declaration document executed by Mr. Tipton. Petitioner has also provided a declaration signed by joint inventor Theeuwes. As such, the petition under 37 CFR 1.47(a) has been rendered **MOOT**.

Petitioner indicates that the declaration filed on 09 January 2008 consisted of three pages, and that the third page identified the inventive entity and was signed by Mr. Theeuwes. Petitioner furnishes a copy of a return postcard receipt which refers to the instant application number, itemizes (*inter alia*) a "Copy of Executed Declaration (3 pp.)," and is stamped as received by "OIPE" on "JAN 09 2008." Petitioner also provides a "true and correct copy of the complete declaration." However, in view of the fact that petitioner has filed a declaration

executed by Mr. Tipton, rendering the petition under 37 CFR 1.47(a) moot, the 35 U.S.C. 371(c)(4) date of this application is not controlled by the question of whether the executed declaration by Mr. Theeuwes was filed on an earlier date. Therefore, it is not necessary to reach the issue of whether the declaration filed on 22 September 2008 should be regarded as a copy of the declaration originally filed on 09 January 2008.

DECISION

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

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **03 October 2008**.

/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
www.uspto.gov

02 MAY 2008

Patent Group
Choate, Hall & Stewart LLP
Two International Place
Boston, MA 02110

In re Application of :
LI et al. :
Application No.: 10/592,912 : DECISION ON PETITION
PCT No.: PCT/US05/08600 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 14 March 2005 :
Priority Date: 19 March 2004 :
Attorney Docket No.: 2005577-0009 :
For: HERBAL THERAPY FOR THE :
TREATMENT OF ASTHMA

The petition to revive under 37 CFR 1.137(b) filed 14 December 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 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 required reply 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.

Additionally, applicant states that the instant application does not contain any nucleotide or amino acid sequences and no sequence listing is required. As such, the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) is vacated in part.

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

27 OCT 2008

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Crowell & Moring, LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300

In re Application of	:	
PARR, et al.	:	
PCT No.: PCT/EP05/02823	:	DECISION ON PETITION
Application No.: 10/592,937	:	
Int. Filing Date: 15 March 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 16 March 2004	:	
Atty. Docket No.: 102781.58282US	:	
For: DATA DISTRIBUTION SYSTEM AND METHOD	:	

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 02 September 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 15 March 2005, applicant filed international application PCT/EP05/02823 which claimed priority to an earlier application filed 16 March 2004. A copy of the international application was communicated from the International Bureau (IB) to the United States on 29 September 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 16 September 2006.

On 15 September 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 Information Disclosure Statement, an Application Data Sheet and a preliminary amendment.

On 02 July 2008, 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 02 September 2008, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of joint inventors Ian David Parr and Neil Walker.

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 and it is appropriate to grant the petition under 37 CFR 1.47(a).

CONCLUSION

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

The application has an international filing date of 15 March 2005 under 35 U.S.C. 363, and will be given a date of **02 September 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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Ian David Parr
13 Owlcastle Close, Horsham
West Sussex, RH12 5YA
UNITED KINGDOM

In re Application of
PARR, et al.
PCT No.: PCT/EP05/02823
Application No.: 10/592,937
Int. Filing Date: 15 March 2005
Priority Date: 16 March 2004
Atty. Docket No.: 102781.58282US
For: DATA DISTRIBUTION SYSTEM AND METHOD

Dear Mr. Parr:

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

Mr. Stephen W. Palan
Crowell & Moring, LLP
P.O. Box 14300
Washington, DC 20044-4300
United States of America

UNITED STATES PATENT AND TRADEMARK OFFICE

27 OCT 2008

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

Mr. Neil Walker
Consumer Product Marketing
Vodafone Group Services, Floor 4
80 Strand London WC2R 0RF
UNITED KINGDOM

In re Application of
PARR, et al.
PCT No.: PCT/EP05/02823
Application No.: 10/592,937
Int. Filing Date: 15 March 2005
Priority Date: 16 March 2004
Atty. Docket No.: 102781.58282US
For: DATA DISTRIBUTION SYSTEM AND METHOD

Dear Mr. Walker:

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

Mr. Stephen W. Palan
Crowell & Moring, LLP
P.O. Box 14300
Washington, DC 20044-4300
United States of America

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STUDEBAKER & BRACKETT PC
ONE FOUNTAIN SQUARE
11911 FREEDOM DRIVE, SUITE 750
RESTON VA 20190

COPY MAILED
FEB 16 2010

In re Patent No. 7,529,380 :
Issue Date: May 5, 2009 :
Application No. 10/592,957 : ON PETITION
Filed: September 15, 2006 :
Attorney Docket No. 740675-71 :

This is a decision on the petition filed July 20, 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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12 OCT 2006

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP.
100 GALLERIA PARKWAY N.W., SUITE 1750
ATLANTA, GA 30339-5948

In re Application of: LUCAS et al	:	
Application No.: 10/592,960	:	
PCT Application No.: PCT/NL05/00168	:	DECISION ON
Int. Filing Date: 08 March 2005	:	PETITION UNDER
Priority Date Claimed: 09 March 2004	:	37 CFR 1.137(b)
Attorney Docket No.: 820120-1020	:	
For: INJECTION SYRINGE	:	
	:	
	:	

This decision is a response to Applicants' "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)", which was filed on 13 September 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 08 March 2005, Applicant filed international application PCT/NL05/00168. The international application claims a priority date of 09 March 2004 and designates the United States. Pursuant to 35 U.S.C. 371 and 37 CFR 1.495, the thirty-month period for commencement of the national stage in the United States, and paying the required basic national fee, expired at midnight on 09 September 2006.

On 13 September 2006, Applicant filed the instant petition to revive accompanied by, *inter alia*, the small-entity petition fee of $750.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or

applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) the required reply, (2) the petition 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 and fee (if the international application was filed prior to June 8, 1995).

With regard to Item (1), the required reply, i.e. the small-entity basic national fee of $150, has been authorized by Applicant and deposit account 20-0778 has been charged this amount.

With regard to Item (2), the appropriate small-entity petition fee of $750 as required by 37 CFR 1.17(m) has been paid.

With regard to Item (3), Applicant's statement that "[t]he entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" has been satisfied.

With regard to Item (4), a terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

All of the requirements of 37 CFR 1.137(b) have been met and Applicant's petition to revive is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing in accordance with this decision.

Dionne W. Mayes
PCT Legal Administration Detailee
Telephone: 571-272-6094
Facsimile: 571-273-0459

Leonard Smith
Supervisory Legal Examiner
Office of PCT Legal Administration

16 MAY 2008

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P.O. Box 1450
Alexandria, VA 22313-1450
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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

In re Application of	:	
ÜSTÜN, Orhan et al.	:	
U.S. Application No.: 10/593,000	:	
PCT No.: PCT/CH2004/000153	:	DECISION ON
Int. Filing Date: 15 March 2004	:	
Priority Date: None	:	PETITION
Attorney Docket No.: 0115-062668	:	
For: DEVICE FOR THE STORAGE OF HEAT ENERGY FOR SUBSEQUENT CONVERSION INTO ELECTRICAL ENERGY	:	UNDER 37 CFR 1.181

This is a decision on the petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 07 March 2008. As there is no fee for this petition, the fee paid will be refunded to deposit account no.23-0650, as authorized.

BACKGROUND

On 16 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) was required.

On 04 January 2008, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely reply to the Notification of Missing Requirements.

On 07 March 2008, applicants filed a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

DISCUSSION

Applicants claim to have submitted a timely response to the Notification of Missing Requirements and ask that holding of abandonment be withdrawn. To withdraw the holding of abandonment, applicants must provide sufficient evidence of an earlier, timely filing with the Office and a copy of the earlier submission.

Applicants have provided a date-stamped postcard receipt identifying the above captioned application and listing a declaration. Applicants have provided a copy of the declaration they claim to have earlier submitted. The copy of the declaration is accepted as having a receipt date of 09 May 2007.

CONCLUSION

For the above reason, applicants' request to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 04 January 2007 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of **09 May 2007**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Phone: (571) 272-3292
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,044	05/07/2007	Norbert Taufenbach	HKH-38PCT	7304

40570 7590 02/18/2009

FRIEDRICH KUEFFNER
317 MADISON AVENUE, SUITE 910
NEW YORK, NY 10017

EXAMINER	
NGUYEN, PHILLIP	

ART UNIT	PAPER NUMBER
2828	

MAIL DATE	DELIVERY MODE
02/18/2009	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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FRIEDRICH KUEFFNER
317 MADISON AVENUE, SUITE 910
NEW YORK, NY 10017

In re Application of:	:	
Norbert Taufenbach	:	*SUA SPONTE*
Serial No.: 10/593,044	:	DECISION WITHDRAWING HOLDING OF
Filed: September 15, 2006	:	ABANDONMENT
Attorney Docket No.: **HKH-38PCT**	:	

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

The application was held abandoned for failure to timely file the Office action mailed on May 19, 2008. A Notice of Abandonment was mailed on June 18, 2008.

A review of the written record indicates that a proper response to the Office action was previously filed on December 23, 2008, with a three (3) month extension of time and a certificate of mailing dated December 18, 2008, but not processed in the application file prior to the mailing of the Notice of Abandonment. Since the response was timely filed, the abandonment of the application was premature. Therefore, the application was not abandoned in fact.

For the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the examiner for consideration of the response.

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

John W. Cabeca, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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DOWELL & DOWELL, PC.
103 ORONOCO STREET, SUITE 220
ALEXANDRIA, VA 22314

MAILED

JUN 21 2010

OFFICE OF PETITIONS

In re Application of :
Wesley WHITNALL, et *al.* :
Application No. 10/593,054 : DECISION ON PETITION
Filed: June 25, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **15546NP** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 22, 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 Notice to File Corrected Application Papers(Notice), mailed October 21, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. This period for reply was **NOT** extendable under 37 CFR 1.136(a). Accordingly, the application became abandoned on December 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 corrected/replacement drawing(s), (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The drawing(s) filed March 22, 2010, have been made of record in the above application.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center Art Unit 1793 for appropriate action by the Examiner in the normal course of business on the reply received March 22, 2010.

Thurman K. Page
Petitions Examiner
Office of Petitions

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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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OFFICE OF PETITIONS

In re Application of :
Mizuno, et al. :
Application No. 10/593,065 : ON PETITION
Filed: July 30, 2007 :
Attorney Docket No. 08178.0038

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed March 12, 2009.

The petition is **granted**.

The above-identified application became abandoned for failure to reply to the non-final Office action mailed May 19, 2008, which set a shortened statutory period for reply of three (3) months from its mailing date. No response was received within the allowable period, and the application became abandoned on August 20, 2008. A Notice of Abandonment was mailed on December 31, 2008.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> 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.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center, GAU 2129 for further processing that will include re-mailing the non-final Office action and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

United States Patent and Trademark Office

11 AUG 2008

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

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

In re Application of :
Arz et al. :
Application No. 10/593,076 :
PCT No.: PCT/EP2004/002681 :
Int. Filing Date: 15 March 2004 : DECISION
Priority Date: N/A :
Atty. Docket No.: 2923-776 :
For: Composite Film For A Receptacle, :
Particularly A Tube :

This is in response to the declaration of the inventors filed on 15 April 2008, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 15 March 2004, claimed no earlier priority date, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 13 October 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 15 September 2006. Applicants filed, *inter alia*, the basic national fee on 15 September 2006.

DISCUSSION

Review of the declaration of the inventors filed on 15 April 2008 reveals that it indicates joint inventor Jurgen Arz to be "deceased." 37 CFR 1.42 provides in part that

> 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.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

> If the person making the 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 the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

The declaration provides residence, postal address and citizenship information for the deceased inventor. It names Anja Wilma Arz, Michael Arz and Ruth Arz in the capacity of

"Legal Heir of Jurgen ARZ, deceased," and provides residence, postal address and citizenship information for the heirs However, it is not clear from the record whether the heirs signing the application constitute all of the heirs of Jurgen Arz. It is also unclear whether "Legal Heir" is meant to convey the capacity of legal representative. Where no legal representative has been appointed or is required to be appointed by the applicable law, all of the heirs may execute the declaration on behalf of the deceased inventor. Since it is not clear whether the three heirs who signed in fact constitute the entire set of heirs of Jurgen Arz (and whether or not a legal representative has been appointed or is required to be appointed by the applicable law), it would not be appropriate to accept the declaration at this time.

DECISION

The declaration is **NOT ACCEPTED** under 37 CFR 1.42, 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. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." 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/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

29 JUL 2009

United States Patent and Trademark Office

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WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER
111 LYON STREET, N.W.
GRAND RAPIDS, MI 49503-2487

In re Application of	:	
Arz et al.	:	
Application No. 10/593,076	:	
PCT No.: PCT/EP2004/002681	:	
Int. Filing Date: 15 March 2004	:	DECISION
Priority Date: N/A	:	
Atty. Docket No.: 069833.128882-001	:	
For: Composite Film For A Receptacle, Particularly A Tube	:	

This is in response to petition under 37 CFR 1.137(a) and the renewed submission under 37 CFR 1.42 filed on 22 May 2009.

DISCUSSION

Petition Under 37 CFR 1.137(a)

A grantable petition under 37 CFR 1.137(a) must be accompanied by

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in § 1.17(l);

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

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Regarding requirement (1), the "required reply" was a reply to the Decision mailed on 11 August 2008. Such a reply accompanies the petition, satisfying requirement (1).

Concerning requirement (2), the petition fee has been paid.

Regarding requirement (3), petitioner attributes the delay in replying to the Decision mailed on 11 August 2008 to a change in counsel. Specifically, petitioner asserts that responsibility for the prosecution passed to Warner Norcross & Judd LLP in May 2008, prior to the mailing of the Decision to previous counsel (Rothwell, Figg, Ernst & Manbeck, P.C.). Petitioner further asserts that present counsel "has no record of receiving the Decision" from previous counsel. It is not clear that the facts recounted by petitioner constitute "unavoidable" delay within the meaning of 37 CFR 1.137(a). Petitioner has not demonstrated that the alleged failure to receive the Decision occurred despite procedures being in place that should have

avoided the error resulting in the delay, has not adequately identified or demonstrated the level of training of the individual(s) responsible for the delay, with respect to such procedures, and has not provided copies of any relevant records showing where the Decision would have been logged if it had been received from prior counsel. Furthermore, petitioner has not shown that the requisite diligence was shown in changing the correspondence address of record; if the official correspondence address had been changed at the time Warner Norcross & Judd assumed authority for the application, the Decision would have been mailed directly to current counsel. MPEP 711.03(c) specifically explains, in part, that

> For example, where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address.

For these reasons, it would not be appropriate to conclude that requirement (3) has been satisfied, on the basis of the present record.

With respect to item (4), no terminal disclaimer is required.

Submission Under 37 CFR 1.42

In a Decision mailed on 11 August 2008, the declaration of the inventors filed on 15 April 2008 was not accepted under 37 CFR 1.42, without prejudice, because

> ...However, it is not clear from the record whether the heirs signing the application constitute all of the heirs of Jurgen Arz. It is also unclear whether "Legal Heir" is meant to convey the capacity of legal representative. Where no legal representative has been appointed or is required to be appointed by the applicable law, all of the heirs may execute the declaration on behalf of the deceased inventor. Since it is not clear whether the three heirs who signed in fact constitute the entire set of heirs of Jurgen Arz (and whether or not a legal representative has been appointed or is required to be appointed by the applicable law), it would not be appropriate to accept the declaration at this time.

In response, counsel has now clarified that the three heirs who signed the declaration are in fact "the only heirs," and that no other legal representative has been appointed. However, since the application remains in abandoned status as described above, it would not be appropriate to accept the declaration under 37 CFR 1.42 at this time.

DECISION

The petition under 37 CFR 1.137(a) is **DISMISSED**, without prejudice.

The declaration is **NOT ACCEPTED** under 37 CFR 1.42, 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/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER
111 LYON STREET, N.W.
GRAND RAPIDS, MI 49503-2487

In re Application of :
Arz et al. :
Application No. 10/593,076 :
PCT No.: PCT/EP2004/002681 :
Int. Filing Date: 15 March 2004 : DECISION
Priority Date: N/A :
Atty. Docket No.: 069833.128882-001 :
For: Composite Film For A Receptacle, :
Particularly A Tube :

This is in response to petition under 37 CFR 1.137(b) filed on 17 August 2009, which is also being regarded as a renewed submission under 37 CFR 1.42.

DISCUSSION

Petition Under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed on 17 August 2009 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 required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have paid the petition fee. The required reply has been filed. No terminal disclaimer is required. 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.

Submission Under 37 CFR 1.42

In a Decision mailed on 29 July 2009, the declaration of the inventors filed on 15 April 2008 was not accepted under 37 CFR 1.42, without prejudice, because

> counsel has now clarified that the three heirs who signed the declaration are in fact "the only heirs," and that no other legal representative has been appointed. However, since the application remains in abandoned status as described above, it would not be appropriate to accept the declaration under 37 CFR 1.42 at this time.

Since the application now is being revived, it would be appropriate to accept the declaration under 37 CFR 1.42 for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

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

The declaration filed on 15 April 2008 is **ACCEPTED** under 37 CFR 1.42.

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 **15 April 2008.**

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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

Mail Date: 04/20/2010

Applicant	: Masaru Hidaka	: DECISION ON REQUEST FOR
Patent Number	: 7601760	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/593,081	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **202** 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 DEC 2008

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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

In re Application of:	:	
MIZUNO, Seiichiro, et al.	:	DECISION ON PETITION TO
Application No.: 10/593,084	:	WITHDRAW HOLDING OF
PCT No.: PCT/JP2005/004760	:	ABANDONMENT
International Filing Date: 17 March 2005	:	(37 CFR 1.181)
Priority Date: 18 March 2004	:	
Atty Docket No.: 46884-5513	:	
For: PHOTODETECTOR	:	

This decision is issued in response to the "Petition To Withdraw Erroneous Holding of Abandonment And To Restart Period For Response Due To Non-Receipt Of Notification Of Missing" filed 31 October 2008. No petition fee is required.

BACKGROUND

On 17 March 20005, applicants filed international application PCT/JP2005/004760. The international application claimed a priority date of 18 March 2004, and it designated the United States. On 29 September 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., 18 September 2006.

On 15 September 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 an English translation of the international application.

On 14 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 oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 08 May 2008, applicants filed additional materials, including an executed declaration and payment of the required surcharge.

On 28 August 2008, the DO/EO/US mailed a "Notice of Abandonment" (Form PCT/DO/EO/909) indicating that the application was abandoned based on applicants' failure to file a timely response to the Notification Of Missing Requirements mailed 14 March 2007.

On 31 October 2008, applicants filed the "Petition To Withdraw Erroneous Holding of Abandonment And To Restart Period For Response Due To Non-Receipt Of Notification Of Missing" considered herein. The petition asserts that applicants did not receive the Notification Of Missing Requirements upon which the abandonment is based and that the holding of abandonment should therefore be withdrawn.

DISCUSSION

Section 711.03(c)(I)(A) of the MPEP sets forth the requirements for a grantable petition in the present circumstances:

> 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 present petition includes the required statements from the practitioner regarding the docketing system in use, confirming that the Notification Of Missing Requirements was not received, and indicating that a search of the file jacket the file jacket and docket records shows that the Notification Of Missing Requirements was not received.

With respect to the docket records requirement, applicants have provided a copy of the docket record for the present application file, as well as a copy of what appears to be a general docket record for actions based on 14 March 2007 (the date of mailing of the Notification Of Missing Requirements). However, as discussed in the MPEP, what is required is a copy of the full office docket record for all responses due in the USPTO on 14 May 2007, the date on which a response to the Notification Of Missing Requirements was due. Applicants have therefore not provided all the docket records required for a grantable petition.

Based on the above, applicants have not satisfied the requirements for a petition to confirm the failure to receive the Notification Of Missing Requirements mailed 14 March 2007. Accordingly, withdrawal of the holding of abandonment is not appropriate on the present record.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice. The application remains abandoned.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and must include the additional docket records required to confirm that the Notification Of Missing Requirements mailed 14 March 2007 was not received, as discussed above and in the MPEP.

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) 273-0419

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12 FEB 2009

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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

In re Application of:	:	
MIZUNO, Seiichiro, et al.	:	DECISION ON RENEWED
Application No.: 10/593,084	:	PETITION TO WITHDRAW
PCT No.: PCT/JP2005/004760	:	HOLDING OF ABANDONMENT
International Filing Date: 17 March 2005	:	(37 CFR 1.181)
Priority Date: 18 March 2004	:	
Atty Docket No.: 46884-5513	:	
For: PHOTODETECTOR	:	

In a decision mailed by this Office on 19 December 2008, applicants' petition to withdraw the holding of abandonment herein was dismissed without prejudice for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had not provided the docket records required to confirm that applicants did not receive the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 14 March 2007.

On 21 January 2009 applicants filed the renewed petition considered herein. The renewed petition was accompanied by the required docket records, that is, a copy of counsel's full office docket record for all responses due in the USPTO on 14 May 2007, the date on which a response to the Notification Of Missing Requirements was due. These docket records, which do not indicate receipt by applicants of the Notification Of Missing Requirements mailed in the present application, satisfy the final requirement for a grantable petition to withdraw the holding of abandonment based on applicants' failure to receive the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 14 March 2007.

The renewed petition for withdrawal of the holding of abandonment is **GRANTED**.

The Notification Of Abandonment (Form PCT/DO/909) mailed 28 August 2008, based as it was on applicants' failure to respond to the Notification Of Missing Requirements that applicants did not receive, is appropriately **VACATED**.

On 08 May 2008, applicants filed 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, that is, the materials required by the Notification Of Missing Requirements. Accordingly, there is no need to re-mail the Notification of Missing Requirements herein.

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)(3) is 08 May 2008.

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

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Shinobu Munekata	: DECISION ON REQUEST FOR
Patent Number	: 7665740	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/593,093	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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05 MAR 2008

BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO, IL 60690-2786

In re Application of FRISKNEY et al :
U.S. Application No.: 10/593,108 :
PCT Application No.: PCT/GB2005/001332 :
Int. Filing Date: 06 April 2005 : DECISION
Priority Date Claimed: 06 April 2004 :
Attorney Docket No.: 920476-104020 :
For: DIFFERENTIAL FORWARDING IN :
ADDRESS-BASED CARRIER NETWORKS :

This is in response to applicant's "Change of Inventorship Pursuant to 35 C.F.R. § 1.497(d)" filed 26 December 2007.

BACKGROUND

On 06 April 2005, applicant filed international application PCT/GB2005/001332, which claimed priority of an earlier United States application filed 06 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 20 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 06 October 2006.

On 15 September 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 April 2007, applicant filed executed declarations.

On 11 May 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 the declaration filed 16 April 2007 omitted an inventor who was listed in the published international application.

On 21 May 2007, applicant filed a response to the Notification of Missing Requirements.

On 20 November 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that applicant's 21 May 2007 response did not address the defect indicated in the Notification of Missing Requirements.

On 26 December 2007, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Mark Gibbon should be deleted as an inventor.

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.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, the petition includes a statement of written consent from the purported assignee Nortel Networks Limited ("Nortel"). The statement of consent either (1) is not signed by a person with apparent authority to sign on behalf of the assignee or (2) does not set forth that the person signing is authorized to act on behalf of the assignee. See MPEP 324, Section V. Furthermore, Nortel has not established ownership of the application in accordance with 37 CFR 3.73(b)(1). Although the petition states that a copy of an assignment document was previously filed, the application file contains no such assignment document.

With regard to item (4) above, no new oath or declaration is required by 37 CFR 1.497(f).

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

3 1 MAR 2008

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BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO, IL 60690-2786

In re Application of FRISKNEY et al :
U.S. Application No.: 10/593,108 :
PCT Application No.: PCT/GB2005/001332 :
Int. Filing Date: 06 April 2005 : DECISION
Priority Date Claimed: 06 April 2004 :
Attorney Docket No.: 920476-104020 :
For: DIFFERENTIAL FORWARDING IN :
ADDRESS-BASED CARRIER NETWORKS :

This is in response to applicant's "Response to Decision Dated March 5, 2008" filed March 2008, which is being treated as a renewed petition under 37 CFR 1.497(d).

BACKGROUND

On 06 April 2005, applicant filed international application PCT/GB2005/001332, which claimed priority of an earlier United States application filed 06 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 20 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 06 October 2006.

On 15 September 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 April 2007, applicant filed executed declarations.

On 11 May 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 the declaration filed 16 April 2007 omitted an inventor who was listed in the published international application.

On 21 May 2007, applicant filed a response to the Notification of Missing Requirements.

On 20 November 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that applicant's 21 May 2007 response did not address the defect indicated in the Notification of Missing Requirements.

On 26 December 2007, applicant filed a petition under 37 CFR 1.497(d).

On 05 March 2008, this Office mailed a decision dismissing the 26 December 2007 petition.

On 12 March 2008, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Mark Gibbon should be deleted as an inventor.

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 (4) above.

With regard to item (3) above, the original petition included a statement of written consent from the assignee Nortel Networks Limited ("Nortel"). Nortel has properly established ownership of the application in accordance with 37 CFR 3.73(b)(1) by submitting copies of assignment documents. However, the statement of consent either (1) is not signed by a person with apparent authority to sign on behalf of the assignee or (2) does not set forth that the person signing is authorized to act on behalf of the assignee. See MPEP 324, Section V.

MPEP 201.03, Section II D, states in relevant part,

> The individual signing on behalf of the assignee giving its consent to the requested inventorship correction, should specifically state that he or she has the authority to act on behalf of the assignee. In the absence of such a statement, the consent will be accepted if it is signed by an appropriate official of the assignee (e.g., president, vice president, secretary, treasurer, or derivative thereof) if the

> official's title has been made of record. A general statement of authority to act for the assignee, or on the specific matter of consent, or the appropriate title of the party signing on behalf of the assignee should be made of record in the consent. However, if it appears in another paper of record, e.g., small entity assertion, it is also acceptable.

In the present case, the individual, Daniel Hermele, signing on behalf of Nortel giving its consent to the correction of inventorship, has not stated that he has authority to act on behalf of the assignee. Mr. Hermele does not have a title that confers apparent authority, such as chief executive officer, president, manager, director, vice-president, secretary, or treasurer. See MPEP 324, Section V (stating, "A person having a title (administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to have authority to sign the submission on behalf of the assignee.") Notwithstanding petitioner's assertion that similar documents signed by Mr. Hermele have been previously accepted by the Office, the particular statement of consent submitted in the present application remains deficient for the reasons noted.

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.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO, IL 60690-2786

09 MAY 2008

In re Application of FRISKNEY et al :
U.S. Application No.: 10/593,108 :
PCT Application No.: PCT/GB2005/001332 :
Int. Filing Date: 06 April 2005 : DECISION
Priority Date Claimed: 06 April 2004 :
Attorney Docket No.: 920476-104020 :
For: DIFFERENTIAL FORWARDING IN :
ADDRESS-BASED CARRIER NETWORKS :

This is in response to applicant's "Renewed Petition Under 37 C.F.R. 1.497(d)" filed 22 April 2008.

BACKGROUND

On 06 April 2005, applicant filed international application PCT/GB2005/001332, which claimed priority of an earlier United States application filed 06 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 20 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 06 October 2006.

On 15 September 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 April 2007, applicant filed executed declarations.

On 11 May 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 the declaration filed 16 April 2007 omitted an inventor who was listed in the published international application.

On 21 May 2007, applicant filed a response to the Notification of Missing Requirements.

On 20 November 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that applicant's 21 May 2007 response did not address the defect indicated in the Notification of Missing Requirements.

On 26 December 2007, applicant filed a petition under 37 CFR 1.497(d).

On 05 March 2008, this Office mailed a decision dismissing the 26 December 2007 petition.

On 12 March 2008, applicant filed a renewed petition under 37 CFR 1.497(d).

On 31 March 2008, this Office mailed a decision dismissing the 12 March 2008 petition.

On 22 April 2008, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Mark Gibbon should be deleted as an inventor.

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 (4) above.

With regard to item (3) above, the original petition included a statement of written consent from the assignee Nortel Networks Limited ("Nortel"). Nortel has properly established ownership of the application in accordance with 37 CFR 3.73(b)(1) by submitting copies of assignment documents. The statement of consent is signed by a person who has stated that he is authorized to act on behalf of the assignee.

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 06 April 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 16 April 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

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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PEARL COHEN ZEDEK LATZER LLP
1500 BROADWAY
12TH FLOOR
NEW YORK NY 10036

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JUN 19 2009

OFFICE OF PETITIONS

In re Application of :
Naor, et al. :
Application No. 10/593,113 : ON PETITION
Filed: September 18, 2006 :
Attorney Docket No. P-70415-US :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 18, 2009.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the non-final Office action mailed October 15, 2008. This Office action set an extendable period for reply of three (3) months. No reply having been received, the application became abandoned on January 16, 2009. A Notice of Abandonment was mailed on May 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 an Amendment.

The application is being forwarded to Group Art Unit 3744 for consideration of the Amendment filed May 18, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

LAW OFFICE OF MICHAEL A.
SANZO, LLC
15400 CALHOUN DR.
SUITE 125
ROCKVILLE MD 20855

In re Application of :
Schulze, et al. :
Application No. 10/593,119 : ON APPLICATION FOR
Filed: September 18, 2006 : PATENT TERM ADJUSTMENT
Atty Docket No. 7601/88256 :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT CALCULATION, filed October 28, 2009. The application will be treated under 37 C.F.R. 1.705(b). Applicants request that the initial determination of patent term adjustment be corrected from four hundred and five (405) days to four hundred and nine (409) days.

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

On September 30, 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 (PTA) to date is 405 days. The instant application for patent term adjustment was timely filed[1].

Applicants dispute the period of adjustment of 434 days for Office delay in mailing 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. Applicants contend the period of reduction should be 438 days. Applicants assert that all requirements of 35 U.S.C. 371(c) were met on September 18, 2006. Therefore, applicants argue that September 18, 2006 should be the date from which the 14 month period is calculated.

[1] PALM records indicate that the Issue Fee was received on December 27, 2009.

The Office calculated the 14 month period from September 22, 2006, which is the completion date.

Applicants are informed that the date of completion of all 35 U.S.C. 371 requirements is relevant for purposes of patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)(II) and 37 CFR 1.702(a)(1) when the Office has failed to mail a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than 14 months after the date on which the requirements under 35 U.S.C. 371 were fulfilled. This date is the latest of:

(A) the date of submission of the basic national fee;
(B) the date of submission or communication of the copy of the international application;
(C) the date of submission of the translation of the international application if the international application is not in the English language;
(D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371(c)4)
(E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date;
(F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements requiring either an English translation of the international application or an oath or declaration; and
(G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months form the priority date.

As early processing was not requested in this application, the date of completion is 30 months from the priority date. See (E) above. The priority date was June 9, 2005. The date of completion is September 22, 2006. In short, the fourteen month completion date cannot be before the commencement date.

Entry of the period of reduction of 434 days (from November 23, 2007, which is the date after 14 months after the date of completion, to January 29, 2009, the date a restriction requirement was mailed) is warranted.

In view thereof, the determination of patent term adjustment at the time of the mailing of the notice of allowance remains 405 days.

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).

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to Shirene Willis Brantley, Senior Petitions Attorney, at (571) 272-3230.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

PHARMACIA & UPJOHN
7000 Portage Road
KZO-300-104
KALAMAZOO MI 49001

In re Patent No. 7,687,533	:	DECISION ON REQUEST
Critcher, et al.	:	FOR
Issue Date: March 30, 2010	:	RECONSIDERATION OF
Application No. 10/593,133	:	PATENT TERM ADJUSTMENT
Filed: November 30, 2006	:	and
Atty Docket No. **PC25930A**	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on March 31, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by five hundred forty-seven (547) 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 six hundred and twenty (620) days[1] is **GRANTED to the extent indicated herein.**

[1] The "B" delay period is 193 days. This period is not calculated based on the date this application fulfilled the requirements of 35 U.S.C. 371. In an international application, this period is based on the failure of the Office to issue a patent within three years after the national stage commenced under 35 U.S.C. 371(b) or (f). See 1.702(b). The priority date of this application is March 18, 2004. As the requirements for early commencement were not met, the national stage commenced in this application on September 18, 2006. Thus, "B" delay is 193 days, counting the number of days beginning on September 19, 2009 and ending on March 30, 2010, the date of issuance. See 1.703(b). It is also noted that patentees indicate that the patent term adjustment should be increased by 13 days for the mailing of notice of allowance four months and 13 days after a response was filed on July 6, 2009.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

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

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by six hundred and twenty (620) days.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

Patentees argument is persuasive and an additional 13 days were included in the patent term adjustment pursuant to 37 CFR 1.703(a)(2).

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,687,533 B2

DATED : Mar. 30, 2010

INVENTOR(S) : Critcher 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 (607) days

Delete the phrase "by 607 days" and insert – by 620 days--

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17 JAN 2008

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7000 Portage Road
KZO-300-104
KALAMAZOO MI 49001

In re Application of:
ELLSWORTH, Michael, Aaron, et al.
U.S. Application No.: 10/593,134
Int'l Application No: PCT/IB2005/000610
Int'l Filing Date: 04 March 2005
Priority Date: 17 March 2004
Atty Docket No.: PC32199A
For: METHOD OF VACCINATION AGAINST TESTICULAR BVDV INFECTION

DECISION ON PETITION
(37 CFR 1.137(b))

This decision is issued in response to applicants' petition for revival under 37 CFR 1.137(b), filed 12 December 2007. Applicant has paid the required petition fee.

BACKGROUND

On 04 March 2005, applicants filed international application PCT/IB2005/000610. The application claimed an earlier priority date of 17 March 2004, and it designated the United States. On 29 September 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for filing the basic national fee was thirty months from the priority date, i.e., 18 September 2006 (17 September 2006 was a Sunday).

The published international application identified two applicant/inventors for the United States: Michael Aaron ELLSWORTH and Cassius McAllister TUCKER.

On 18 September 2006, applicants 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.

On 14 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 oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and sequence listing materials were required.

On 14 June 2007, applicants filed a response to the Notification Of Missing Requirements (with required extension fee) that included an executed declaration, the required surcharge payment, and a statement that the present application did not include a nucleotide or amino acid sequence listing.

On 17 September 2007, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed 14 June 2007 was defective because: (1) the declaration appeared to be a compilation of multiple declaration documents; and (2) the declaration included a third inventor, Maurice Daniel GIVENS, who was not listed on the international application.

Applicants did not file a response to the Notification Of Defective Response during the one-month response period. Accordingly, the present application became abandoned at midnight on 18 October 2007.

On 12 December 2007, applicants filed the petition for revival considered herein accompanied by, among other materials, a revised declaration.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).[1]

With respect to item (1), the "required reply" is a proper response to the Notification Of Defective Response mailed 17 September 2007, that is, an oath or declaration acceptable under 37 CFR 1.497. Applicants' present petition includes a revised declaration that resolves the compilation defect present in the previously filed declaration. However, the second defect identified in the Notification Of Defective Response has not been corrected, that is, the revised declaration names and is executed by a third inventor, Maurice Daniel GIVENS, who is not an inventor of record herein. As discussed in MPEP section 1893.01(e) (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;

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

> (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)).

The revised declaration is not accompanied by the materials required under 37 CFR 1.497(d) to correct the inventorship herein to include Maurice Daniel GIVENS. Accordingly, the revised declaration cannot, on the present record, be accepted under 37 CFR 1.497. Item (1) above is therefore not satisfied.[2]

With respect to item (2), applicant has paid the required petition fee. Item (2) is therefore satisfied.

With respect to item (3), the petition includes the required 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." Item (3) is therefore satisfied.

CONCLUSION

Applicants' petition for revival under 37 CFR 1.137(b) is **DISMISSED** without prejudice for failure to satisfy all the requirements of a grantable petition.

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 request for reconsideration should be entitled "Renewed Petition Under 37 CFR 1.137(b)" and it must include the materials required to complete the "required reply," that is, a grantable request under 37 CFR 1.497(d) to correct the inventorship herein to include Maurice Daniel GIVENS (so as to permit acceptance of the revised declaration filed 12 December 2007).

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, 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

[2] It is noted that the revised declaration is a form for use with an Application Data Sheet (ADS); however, applicants have not yet submitted an ADS containing such necessary information as the residence and mailing addresses of the inventors.

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24 APR 2008

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7000 Portage Road
KZO-300-104
KALAMAZOO MI 49001

In re Application of:	:	
ELLSWORTH, Michael, Aaron, et al.	:	DECISION ON RENEWED
U.S. Application No.: 10/593,134	:	PETITION UNDER 37 CFR
Int'l Application No: PCT/IB2005/000610	:	1.137(b) AND REQUEST UNDER
Int'l Filing Date: 04 March 2005	:	37 CFR 1.497(d)
Priority Date: 17 March 2004	:	
Atty Docket No.: PC32199A	:	
For: METHOD OF VACCINATION	:	
AGAINST TESTICULAR BVDV	:	
INFECTION	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.137(b)" filed 21 February 2008, treated herein as a renewed petition under 37 CFR 1.137(b) and a request to correct inventorship under 37 CFR 1.497(d).

No additional petition fee is required for the renewed petition under 37 CFR 1.137(b), and applicant has paid the processing fee required for the request under 37 CFR 1.497(d).

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 17 January 2008. The decision dismissed applicants' petition under 37 CFR 1.137(b) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had not provided the "required reply" in the form of an acceptable declaration under 37 CFR 1.497 (the declaration filed herein sets forth an inventive entity different from the international application, and applicants had not submitted the materials required to correct inventorship under 37 CFR 1.497(d)).

On 21 February 2008, applicants filed the renewed petition under 37 CFR 1.137(b) considered herein. The renewed petition included the materials required under 37 CFR 1.497(d) to correct the inventorship herein.

DISCUSSION

1. Request To Correct Inventorship Under 37 CFR 1.497(d)

As noted in the previous decision, a grantable request to add an inventor under 37 CFR 1.497(d) requires: (A) a statement from the person being added 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)).

The present submission includes a statement from Maurice Daniel GIVENS (the inventor who is named on the declaration but who is not of record) in which Mr. GIVENS confirms that the failure to list him as an inventor on the international application occurred without deceptive intent. Requirement (A) is therefore satisfied.

The present submission included payment of the required $130 processing fee. Requirement (B) is therefore satisfied.

Finally, the present submission includes the consent of the assignee to the requested change in inventorship, and this consent is submitted in compliance with 37 CFR 3.73(b). Requirement (C) is therefore satisfied.

Applicants have satisfied all the requirements under 37 CFR 1.497(d) for correction of the inventorship herein. Accordingly, the inventorship for the present application is properly corrected so as to include additional inventor Maurice Daniel GIVENS.

2. Renewed Petition Under 37 CFR 1.137(b)

Based on the correction of inventorship above, the declaration filed 12 December 2007 is no longer defective for failure to properly identify the inventors of record herein. The declaration may therefore be accepted as the "required reply," that is, an oath or declaration acceptable under 37 CFR 1.497.

The final requirement for a grantable petition for revival under 37 CFR 1.137(b) has now been satisfied. The renewed petition for revival is therefore appropriately granted.

CONCLUSION

The request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

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

The inventorship herein is corrected to include third inventor Maurice Daniel GIVENS. Based on this correction, the declaration filed 12 December 2007 is now acceptable 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 12 December 2007.

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

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Dominique Marchal	: DECISION ON REQUEST FOR
Patent Number	: 7667585	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/593,144	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **370** 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.
10/593,145	09/18/2006	Yuichi Oku	OKUY3002/GAL	8771

23364 7590 07/22/2010

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER	
LUNDGREN, JEFFREY S	

ART UNIT	PAPER NUMBER
1639	

MAIL DATE	DELIVERY MODE
07/22/2010	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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JUL 22 2010

George A. Loud
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

In re Application of :
OKU et al. :
Serial No.: 10/593,145 : PETITION DECISION
Filed: 18 September 2006 :
Attorney Docket No.: OKUY3002/GAL :

This is in response to the petition under 37 CFR 1.144, filed 11 January 2010, requesting the Director to reconsider the lack of unity requirement. The delay in acting upon this petition is regretted.

BACKGROUND

This application is a national stage filing under 35 USC 371 of PCT/JP2005/4953 and, as such, is eligible for PCT unity of invention practice.

On 25 March 2009, the examiner mailed a restriction requirement in which the claims were divided into 40 groups. The examiner further required an election of species. The examiner justified that the claims lacked unity of invention in view of the teachings of Sharat et al.

On 25 March 2009, applicants responded by electing Group XXXX, claims 52 and 54 with traverse. Along with this election, applicants filed an amended claim set which cancelled claim 54.

On 13 November 2009, the examiner prepared a non-final Office action.

The examiner indicated that the election was made without traverse. Claims 1-51 were withdrawn from consideration. Claim 52 was rejected under 35 USC 112, second paragraph as being indefinite. Claim 52 was rejected under 35 USC 103(a) as being unpatentable over Hu in view of Wilding. The prior art reference of Sharat, which was used to initially show unity of lacking, was not applied to claim 52.

On 11 January 2010, applicants filed this petition to request that the Office reconsider the lack of unity determination.

On 16 February 2010, applicants filed a response to the Office action along with amended claims.

On 22 March 2010, applicants filed a supplemental response.

DISCUSSION

The petition and file history have been carefully considered.

Before addressing the merits of the petition, the timeliness of the petition will be considered. 37 CFR 1.144 requires that before a petition can be filed, applicants must have requested reconsideration of a restriction requirement.

After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement. Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal. A petition will not be considered if reconsideration of the requirement was not requested (see § 1.181).

In the Office action mailed 13 November 2009, the examiner stated that the election was made without traverse. This is incorrect. In the response filed on 25 June 2009, applicant elected Group XXXX with traverse. See page 38, second full paragraph of the response.

> Hiowever, the requirement for election is respectfully traversed. As the examiner recognizes, the captioned application is a U.S. National Phase of a PCT application and as such, the rules pertaining to restriction in U.S. domestic applications do not apply and the test is that of "Unity of Invention" under PCT rules 3.1 and 3.2. It is respectfully submitted that the Examiner has not identified what applicants regard as the "common technical feature." It is further submitted that the test for unity of invention is satisfied here in that all of the claims recite a "common technical feature" as a combination of immunoreactive reagents for assay of an antigen, including a first nucleic acid fixed, in a "capturing zone", to one of the first and second members **and an antibody.** WO01/61041 has different reagents dictated by its different use, i.e. to screen genomes for certain traits. See, for example page 1, lines 10-19.
>
> Accordingly, given recognition of the "common technical feature" described above, it is respectfully requested that the requirement for restriction be withdrawn.

The examiner failed to acknowledge or consider this traversal. Because applicants elected with traverse, the petition is considered timely filed after a request for reconsideration.

Next, in the lack of unity determination, the examiner has failed to identify a technical feature for each group. For example, each of Groups I to X is identified as being "drawn to an analytical kit" without specifying the distinguishing features of each kit. This is counter to MPEP 814, which states:

The examiner must provide a clear and detailed record of the restriction requirement to provide a clear demarcation between restricted inventions so that it can be determined whether inventions claimed in a continuing application are consonant with the restriction requirement and therefore subject to the prohibition against double patenting rejections under 35 U.S.C. 121. Geneva Pharms. Inc. v. GlaxoSmithKline PLC, 349 F.3d 1373, 1381, 68 USPQ2d 1865, 1871 (Fed. Cir. 2003). See also MPEP § 804.01.

Applicants have claimed a product, a method of making the product and a method of using the product. The International Search and Examination Guidelines provide Example 1 to address this situation.

> "Claims in Different Categories
>
> 10.21 Example 1
>
> Claim 1: A method of manufacturing chemical substance X.
>
> Claim 2: Substance X.
>
> Claim 3: The (method of) use of substance X as an insecticide.
>
> Unity exists between claims 1, 2 and 3. The special technical feature common to all the claims is substance X. However, if substance X is known in the art, unity would be lacking because there would not be a special technical feature common to all the claims."

In example, 1, the same or corresponding technical feature is "Substance X'. In the instant case, the same or corresponding technical features are identified as the combination of an analytical device comprising a device comprising a first nucleic acid and a reagent containing a conjugate of a second nucleic acid and a ligand that binds to an antigen. In some claims, the ligand may be an antibody.

This technical feature is required by all of independent claims 1-10, 18-19, drawn to the device, all of the independent claims 24-29, directed to a method of using the device and all of independent claim 51 and 52, drawn to a method of making the device. The various dependent claims merely provide additional limitations. This analysis is consistent with ISPE Guidelines which state

> "10.06 Unity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims. By "dependent"

> claim is meant a claim which contains all the features of one or more other claims and contains a reference, preferably at the beginning, to the other claim or claims and then states the additional features claimed (Rule 6.4). The examiner should bear in mind that a claim may also contain a reference to another claim even if it is not a dependent claim as defined in Rule 6.4. One example of this is a claim referring to a claim of a different category (for example, "Apparatus for carrying out the process of Claim 1 ...," or "Process for the manufacture of the product of Claim 1 ...")."

Paragraph 10.02 of the International Search and Examination Guidelines sets forth the following guidance on unity of invention:

> Whether or not any particular technical feature makes a "contribution" over the prior art, and therefore constitutes a "special technical feature," is considered with respect to novelty and inventive step.

Here, the examiner has asserted that the same or corresponding technical feature was a device comprising a first member covering a groove 1 um to 5mm wide and 1 um to 750 um deep.

The petition correctly argues that the Sharat reference fails to teach the technical feature of an antibody and a nucleic acid antigen, as required by claim 1, for example. However, in this situation, if the examiner can provide an additional reference, or combinations of references to demonstrate that the same or corresponding technical feature does not make a contribution over the prior art, then unity of invention would be lacking a posteriori.

In the non-final Office action dated 13 November 2009, the examiner indicated that claim 52 was rejected under 35 USC 103(a) as being unpatentable over Hu et al in view of Wilding et al. Applicant argues that Hu et al also fail to teach a conjugate of an antibody and a nucleic acid.

This argument is persuasive. The Hu reference, directed to a monoclonal antibody array, mentions nucleic acids in two places. Paragraph 0018, describes that the antigen may be a polynucleotide, oligonucleotide or a nucleic acid. Paragraph 19 explains that the techniques for constructing arrays for polynucleotides are instructive to constructing arrays for monoclonal antibodies. Neither of these section teaches a conjugate of a ligand or an antibody to a nucleic acid as required by claim 1, step (ii), for example. For this reason, the examiner has not provided evidence that the shared or corresponding technical feature does not make a contribution over the prior art.

Unity of invention is present amongst the product, method of making it and method of using it. For this reason, the lack of unity determination is improper and the first Office action on the merits incomplete for not addressing the withdrawn claims.

DECISION

The petition is **GRANTED** as follows:

Applicant's election with traverse is acknowledged. That traversal is sufficient to permit applicants to petition and request further reconsideration of the restriction requirement.

The lack of unity determination mailed 25 March 2009 is withdrawn.

The Office action mailed 13 November 2009 is incomplete for not addressing the withdrawn claims.

The application will be forwarded to the examiner for preparation of an Office action consistent with this decision.

Should there be any questions about this decision, please contact Quality Assurance Specialist Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0512 or by facsimile sent to the general Office facsimile number, 571-273-8300.

JMStone

Jacqueline Stone
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Uno Persson	: DECISION ON REQUEST FOR
Patent Number	: 7661640	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/593,151	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **182** 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 JUN 2009

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THE NATH LAW GROUP
112 SOUTH WEST STREET
ALEXANDRIA, VA 22314

In re Application of RATNAM et al	:	
U.S. Application No.: 10/593,158	:	
PCT Application No.: PCT/IN2004/000142	:	
Int. Filing Date: 20 May 2004	:	DECISION
Priority Date Claimed: 19 March 2004	:	
Attorney Docket No.: 27678U	:	
For: AN IMPROVED PROCESS FOR PRODUCING CHLORINATED SUCROSE	:	

This is in response to applicant's petition under 37 CFR 1.181 to withdraw a holding of abandonment filed 17 April 2009.

BACKGROUND

On 20 May 2004, applicant filed international application PCT/IN2004/000142, which claimed priority of an earlier India application filed 19 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 29 September 2005. The thirty-month period for paying the basic national fee in the United States expired on 19 September 2006.

On 18 September 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 24 June 2008, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 27 June 2008, the DO/EO/US mailed a Notice of Insufficient Fees (Form PCT/DO/EO/923), which indicated that additional claims fees were due.

On 07 August 2008, applicant filed a response to the Notice of Insufficient Fees.

On 20 March 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned for failure to timely file a proper response to the Notice of Insufficient Fees.

On 17 April 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The instant petition requests that the holding of abandonment be withdrawn. A review of the application file reveals that the papers filed 18 September 2006 did not include a proper amendment to the claims in compliance with 37 CFR 1.121(a) and (c). Due to the amendment under PCT Article 34, the application included 97 total claims, including 3 independent claims and at least one multiple independent claim.[1] Thus, at the time the Notification of Insufficient Fees was mailed, the application was subject to the claims fees set forth in 37 CFR 1.492(e) and (f). The application papers filed on 18 September 2006 included an authorization to charge any required fees. Therefore, the Notification of Insufficient Fees and the subsequent Notification of Abandonment were issued in error.

CONCLUSION

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

The Notice of Insufficient Fees (Form PCT/DO/EO/923) mailed 27 June 2008 is hereby VACATED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 20 March 2009 is hereby VACATED.

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

[1] The number of claims has since been reduced by a preliminary amendment filed 11 June 2009.

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DYKEMA GOSSETT PLLC
10 S. WACKER DRIVE, SUITE 2300
CHICAGO, IL 60606

MAILED

MAY 11 2009

OFFICE OF PETITIONS

In re Application of
Harold E. CULTER
Application No. 10/593,172
Filed: September 15, 2006
Attorney Docket No. **065391-0002**

DECISION ON PETITION TO WITHDRAW 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 February 9, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Gregory M. Zinkl of **DYKEMA GOSSETT PLLC** does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **HAROLD E. CULTER**
317 OAK STREET
WAUKEGAN, IL 60085

UNITED STATES PATENT AND TRADEMARK OFFICE

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15 JUN 2007

Robert C. Faber
OSTROLENK, FABER, GERB & SOFFEN
1180 Avenue of the Americas
New York NY 10036-8402

In re Application of :
LUPPI et al. :
Application No.: 10/593,211 :
PCT No.: PCT/FR05/00558 :
Int. Filing: 09 March 2005 : DECISION ON PETITION
Priority Date: 16 March 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No.: P/3255-103 :
For: METHOD AND SYSTEM FOR :
STARTING UP A PIPELINE

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 25 January 2007 to accept the application without the signature of joint inventor, Roland Daly. The $200 petition fee has been submitted.

BACKGROUND

On 09 March 2005, applicants filed international application PCT/FR05/00558 which claimed a priority date 16 March 2004. 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, 16 October 2006

On 15 September 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 copy of the international application; and an application data sheet.

On 25 January 2007, applicants filed a petition under 37 CFR 1.47(a).

DISCU SSION

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 (2) above, petitioner states that Roland Daly 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 Roland Daly. The declaration of Gilles Degremont states that a declaration and assignment were mailed to Roland Daly on August 3, 2006 and that he (Mr. Daly) subsequently refused to execute the documents. However, it is unclear from the present petition and accompanying documents whether Roland Daly has been presented with a complete copy of the application papers as required. The mailing of the declaration/assignment is not considered a complete copy of the application. 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 declaration) were sent to Mr. Daly, 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 Roland Daly 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) 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

29 OCT 2007

Robert C. Faber
OSTROLENK, FABER, GERB & SOFFEN
1180 Avenue of the Americas
New York NY 10036-8402

In re Application of
LUPPI et al.
Application No.: 10/593,211
PCT No.: PCT/FR05/00558
Int. Filing: 09 March 2005
Priority Date: 16 March 2004
Attorney Docket No.: P/3255-103
For: METHOD AND SYSTEM FOR STARTING UP A PIPELINE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Supplemental Declaration by Party with Proprietary Rights in the Application under 37 CFR 1.47(a) and/or (b)" filed 15 October 2007 to accept the application without the signature of joint inventor, Roland Daly pursuant to 37 CFR 1.47(a).

BACKGROUND

On 09 March 2005, applicants filed international application PCT/FR05/00558 which claimed a priority date 16 March 2004. 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, 16 October 2006.

On 15 September 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 copy of the international application; and an application data sheet.

On 25 January 2007, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 15 June 2007, applicants' petition under 37 CFR 1.47 was dismissed without prejudice.

On 15 October 2007, applicants filed a 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.

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 Roland Daly's 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. 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 declarations executed by one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (Roland Daly). 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 Roland Daly 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 PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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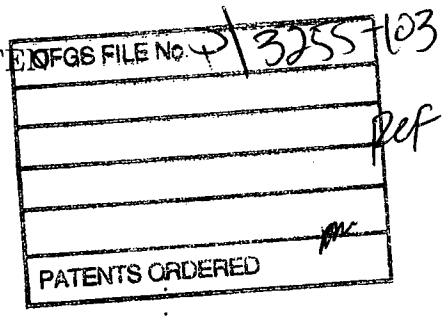
29 OCT 2007

Robert C. Faber
OSTROLENK, FABER, GERB & SOFFEN
1180 Avenue of the Americas
New York NY 10036-8402



In re Application of
LUPPI et al.
Application No.: 10/593,211
PCT No.: PCT/FR05/00558
Int. Filing: 09 March 2005
Priority Date: 16 March 2004
Attorney Docket No.: P/3255-103
For: METHOD AND SYSTEM FOR STARTING UP A PIPELINE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Supplemental Declaration by Party with Proprietary Rights in the Application under 37 CFR 1.47(a) and/or (b)" filed 15 October 2007 to accept the application without the signature of joint inventor, Roland Daly pursuant to 37 CFR 1.47(a).

BACKGROUND

On 09 March 2005, applicants filed international application PCT/FR05/00558 which claimed a priority date 16 March 2004. 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, 16 October 2006.

On 15 September 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 copy of the international application; and an application data sheet.

On 25 January 2007, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 15 June 2007, applicants' petition under 37 CFR 1.47 was dismissed without prejudice.

On 15 October 2007, applicants filed a 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.

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 Roland Daly's 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. 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 declarations executed by one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (Roland Daly). 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 Roland Daly 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 PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,245	12/14/2006	Finn Larsen	20747/340	7367

EXAMINER

7590 02/13/2008

NIXON PEABODY LLP - PATENT GROUP
1100 CLINTON SQUARE
ROCHESTER, NY 14604

ART UNIT	PAPER NUMBER
1615	

MAIL DATE	DELIVERY MODE
02/13/2008	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.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

PATTERSON & SHERIDAN, LLP
3040 POST OAK BLVD
SUITE 1500
HOUSTON, TX 77056

COPY MAILED

JAN 0 8 2009

Applicant: Frosien
Appl. No.: 10/593,246
International Filing Date: February 17, 2005
Title: HIGH CURRENT DENSITY PARTICLE BEAM SYSTEM
Attorney Docket No.: ZIMR/0048
Pub. No.: US 2007/0284536 A1
Pub. Date: December 13, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 13, 2008, 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 the specification in line 23, paragraph [0061].

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 errors in the symbols noted by requestor in the specification are not material Office errors under 37 CFR 1.221(b). The erroneous equation is descriptive of a spherical beam enlargement to which applicant's invention is directed. The error in the equation does not impact the description of applicant's invention. A person having ordinary skill in the art will be able to understand the context by the surrounding information in the specification.

Applicant is advised to file application papers that are clearer, as the errors are due to the quality of the text. The text, with respect to the superscripts and subscripts, is very small, which makes it difficult to read and to electronically reproduce by digital imaging and optical character

[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).

recognition. 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.

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

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or to 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

22 JUN 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re Application of	:	DECISION
YAZAWA et al.	:	
Application No.: 10/593,249	:	
PCT No.: PCT/JP2005/004369	:	
Int. Filing Date: 11 March 2005	:	
Priority Date: 18 March 2004	:	
Attorney Docket No.: 2006_1564A	:	
For: NOVEL PHOTOCATALYST AND METHOD FOR PRODUCING SAME	:	

This decision is in response to applicants' "REQUEST FOR CORRECTED NOTICE OF ACCEPTANCE," which has properly been treated as a petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on 01 February 2007.

BACKGROUND

On 11 March 2005, applicant filed international application PCT/JP2005/004369 which designated the US and claimed a priority date of 18 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 29 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 September 2006 (18 September 2006 being a Saturday).

On 15 September 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 express request to being national examination procedures under 35 U.S.C. 371(f), a translation of the international application as filed, and a declaration of inventors

On 16 November 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 15 September 2006 and a 35 U.S.C. 371 date of 16 October 2006.

On 01 February 2007, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition requests that the 35 U.S.C. 371 date be changed from 16 October 2006 to 15 September 2006.

The NOTICE OF ACCEPTANCE OF APPLICATION mailed 16 November 2006 contained the incorrect 35 U.S.C. 371 date. Thus, the NOTICE OF ACCEPTANCE is hereby VACATED.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTICE OF ACCEPTANCE mailed 16 November 2006 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for (1) mailing of a corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating both the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and the 35 U.S.C. 371 dates as **15 September 2006** and (2) mailing of a corrected Filing Receipt.

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

14 JAN 2009

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

Kratz, Quintos & Hanson, LLP
1420 K Street, N.W.
Suite 400
Washington, D.C. 20005

In re Application of
TAKESHITA et al.
Application No.: 10/593,282
PCT No.: PCT/JP05/11714
Int. Filing Date: 27 June 2005
Priority Date: 13 July 2004
Atty. Docket No.: 060711
For: SUBSTRATE PROCESSING APPARATUS AND MANUFACTURING METHOD FOR A SEMICONDUCTOR DEVICE

DECISION

This decision is issued in response to applicant's "Request for Corrected Notice of Acceptance" filed 31 July 2008, 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 18 September 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; an English translation of the international application; and a preliminary amendment.

On 22 April 2008, applicant filed an executed declaration of inventorship.

On 25 June 2008, 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 of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 18 September 2006 and a 35 U.S.C. 371 completion date as 13 January 2007. Also on 25 June 2008, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 18 September 2006.

On 31 July 2008, applicant filed "Request for Corrected Notice of Acceptance."

DISCUSSION

Applicant requests a corrected filing date (or 371(c) date) from 13 January 2007 to 22 April 2008. The actual filing date of the present application is the international filing date, i.e., 27 June 2005 (see 35 U.S.C. 363). The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed, see MPEP §1895.01. A review of the application file reveals that the oath/declaration was filed with the USPTO on 22 April 2008, the date which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage was completed. Therefore, the Notification of Acceptance will indicate 22 April 2008 as the date that the all 35 U.S.C. 371 requirements were met. Further, the date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements will be corrected to 22 April 2008. Accordingly, the correction of the Notification of Acceptance to indicate a date of 22 April 2008 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 25 June 2008 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 22 April 2008 and a date of completion of all 35 U.S.C. 371 requirements as 22 April 2008. Additionally, a corrected Official Filing Receipt will be issued.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
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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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,292	09/18/2006	Shinichi Yoshikawa	2006_1539A	8448

513 7590 03/06/2009

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER	
BAUMSTEIN, KYLE	
ART UNIT	**PAPER NUMBER**
1796	
MAIL DATE	**DELIVERY MODE**
03/06/2009	PAPER

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

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

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10593292	9/18/06	YOSHIKAWA ET AL.	2006_1539A

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER
RANDY GULAKOWSKI

ART UNIT	PAPER
1796	20090304

DATE MAILED:

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

Commissioner for Patents

Pursuant to applicant's request filed on January 9, 2009, action by the Office is suspended on this application under 37 CFR 1.103(a) for a period of six months. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

/Randy Gulakowski/
SPE
Art Unit: 1796

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.
10/593,295	01/11/2007	Guenter Hoelzemann	030863-00016	8435

7590 08/31/2009

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER	
SHAMEEM, GOLAM M	
ART UNIT	**PAPER NUMBER**
1626	
NOTIFICATION DATE	**DELIVERY MODE**
08/31/2009	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

05 DEC 2006

Miles & Stockbridge
1751 Pinnacle Drive
Suite 500
McLean VA 22102-3833

In re Application of	:	
BURSTON, Ian Arthur et al.	:	
Application No.: 10/593,320	:	DECISION ON
PCT No.: PCT/AU05/00380	:	
Int. Filing Date: 18 March 2005	:	PETITION
Priority Date: 18 March 2004	:	
Attorney Docket No.: T2211-12006US01	:	UNDER 37 CFR 1.182
For: WATER EVAPORATION MINIMIZATION	:	

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 03 October 2006.

BACKGROUND

On 18 September 2006, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The transmittal letter did not list an international application number, though numerous other papers listed listed international application no. PCT/AU05/00380.

On 03 October 2006, applicants submitted a petition under 37 CFR 1.182 to correct the national stage information in the transmittal letter for the above application to indicate it is a 371 filing of PCT/AU05/00380.

DISCUSSION

The paperwork submitted by applicant identified the 18 September 2006 submission as a national phase entry and listed international application no. PCT/AU05/00380. The papers were correctly processed. The petition fee will be refunded to deposit account no. 50-1165, as authorized.

CONCLUSION

For the reasons listed above, the Petition Under 37 CFR 1.182 is **DISMISSED** as moot.

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

APR 20 2010

OFFICE OF PETITIONS

BREINER & BREINER, L.L.C.
P.O. BOX 320160
ALEXANDRIA VA 22320-0160

In re Application of :
HUMBEL, Roger M. :
Application No. 10/593,323 : DECISION ON PETITION
Filed: October 19, 2006 : TO WITHDRAW
Attorney Docket No. **6779/PCT** : 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 26, 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 Mary Breiner on behalf of all attorneys of record who are associated with customer No. 06858. All attorneys/agents associated with the Customer Number 06858 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Roger M. Humbel 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: **MARY J. BREINER**
P. O. BOX 320160
ALEXANDRIA VA 22320-0160

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.
10/593,336	06/18/2007	Hiroto Kidokoro	071855	9909

7590 07/16/2009

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER	
VAJDA, PETER L	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
07/16/2009	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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18 OCT 2006

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

In re Application of	:	
GIL	:	
Application No.: 10/593,339	:	DECISION ON
PCT No.: PCT/US01/26330	:	
Int. Filing Date: 23 August 2001	:	PETITION UNDER
Priority Date: 24 August 2000	:	
Attorney Docket No.: 2282/3	:	37 CFR 1.137(b)
For: A METHOD AND SYSTEM FOR AUTOMATICALLY CONNECTING REAL WORLD ENTITIES DIRECTLY TO CORRESPONDING NETWORK . . .	:	

This decision is in response to applicants' submission filed 19 September 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 23 August 2001, applicants filed international application PCT/US01/26330, which claimed a priority date of 24 August 2000. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 28 February 2002. A Demand for international preliminary examination, in which the United States was elected, was filed on 25 March 2002, which was within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 24 February 2003.

On 19 September 2006, applicants filed a submission including, *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 international 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 September 2006.

As to item (2), applicant submitted the petition fee on 19 September 2006.

As to item (3), the required statement has been provided. The above-identified application has been abandoned for an extended period of time. The USPTO 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 under 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 USPTO).

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 inventor filed 19 September 2006 is in compliance with 37 CFR 1.497(a)-(b). 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 06-2140.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/12/10

TO SPE OF : ART UNIT 2853

SUBJECT : Request for Certificate of Correction for Appl. No.: 10593345 Patent No.: 7682011

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.

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

Comments: _____

STEPHEN MEIER
SUPERVISORY PATENT EXAMINER

2853

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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John S Mortimer
Wood Philip Katz Clark & Mortimer
500 West Madison Street
Suite 3800
Chicago, IL 60661-4592

Mail Date: 04/21/2010

Applicant	: Ichiro Ootomo	: DECISION ON REQUEST FOR
Patent Number	: 7647897	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/593,350	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **227** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

John S Mortimer
Wood Philip Katz Clark & Mortimer
500 West Madison Street
Suite 3800
Chicago, IL 60661-4592

Mail Date: 05/18/2010

Applicant : Ichiro Ootomo
Patent Number : 7647897
Issue Date : 01/19/2010
Application No: 10/593,350
Filed : 05/04/2007

: 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 **274** 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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17 OCT 2006

Eleanor M. Hynes
Hiscock & Barclay, LLP
2000 HSBC Plaza
Rochester, New York 14604-2404

In re Application of
SMITH, et al.
Application No.: 10/593,352
PCT No.: PCT/US04/11575
Int. Filing Date: 15 April 2004
Priority Date: 15 April 2003
Attorney Docket No.: 3009094US01
For: IMPROVED OPHTHALMIC AND CONTACT LENS SOLUTIONS CONTAINING PEPTIDES AS PRESERVATIVE

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 19 September 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "the entire delay in filing the required reply from the due date for the 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,353	06/19/2007	Lars Dahne	ZIMR/0049	1304

26290 7590 05/10/2010

PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

EXAMINER	
YEAGER, RAYMOND P	

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
05/10/2010	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

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: Lars DAHNE et al	:	
Serial Number: 10/593353	:	
Filed: September 19, 2006	:	
Attorney Docket: ZIMR/0049	:	DECISION ON PETITION
For: Method for Producing CS Particles and And Micro-capsules Using Porous Templates, CS Particles and Microcapsules, and The Use Thereof	:	

This is in response to applicant's petition to accept color drawings/photographs filed on September 19, 2006.

All requirements under 37 CFR 1.84(a)(2) are met. Accordingly, petition is Granted.

Petition GRANTED.

/Cecilia J.Tsang/
Supervisory Patent Examiner, Art nit 1654

UNITED STATES PATENT AND TRADEMARK OFFICE

16 JUN 2009

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

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of	:	
ZIV	:	
Application No.: 10/593,367 (10/599,025)	:	DECISION
PCT No.: PCT/IL2005/000303	:	
Int. Filing Date: 17 March 2005	:	
Priority Date: 18 March 2004	:	
Attorney's Docket No.: 445/05410	:	
For: APPARATUS FOR THE TREATMENT OF FEMININE PELVIC ORGAN PROLAPSE	:	

This decision is in response to applicant's "Request For Refund Under 37 CFR 1.26" filed 14 July 2008 in application 10/593,367 and "Request to Withdraw Notification of Missing Requirements" in application 10/599,025 filed 29 July 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 17 March 2005, applicant filed international application PCT/IL05/00303 which claimed priority to an earlier application filed 18 March 2004. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 22 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 September 2006.

On 18 September 2006, applicant filed pursuant to Express Mail from the United States Postal Service a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee, an application data sheet, un-executed declaration of the inventor and a preliminary amendment. The international application number listed on the transmittal letter was PCT/IL2005/000303 and was assigned U.S. serial number 10/593,367.

Also on 18 September 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included a copy of the papers filed and assigned U.S. serial number 10/593,367. The international application number keyed into EFS-Web was PCT/IL05/87153. The Transmittal Letter indicated the international application number as PCT/IL2005/000303.

On 23 October 2007, applicant was mailed a "NOTIFICATION OF MISSING

REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) in application 10/593,367 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 02 July 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) in application 10/599,025 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 14 July 2008, applicant filed the request for refund discussed herein.

On 29 July 2008, applicant filed the request to withdraw the notification of missing requirements discussed herein.

DISCUSSION

As shown above, notwithstanding applicant's assertions that "Serial Number 10/599,025 is not one filed by the undersigned" applicant did in fact file two separate U.S. National stage filings on 18 September 2006. Applicant provided authorization to charge all relevant fees at the time of filing. Applicant now seeks a refund of the fees charged in application 10/599,025 and the vacating of the Form PCT/DO/EO/905 in that case. While the filing of two national stage applications of the same international application is improper, applicant's second filing identified a different international application number, PCT/IL05/87153. Therefore, before applicant's request for refund can be granted applicant is required to provide clarification as to the electronic filing of 18 September 2006. The response should set forth the specific circumstances as to how and when the error was made and should set forth that the mistake was an inadvertent error without deceptive intent. A copy of the electronic acknowledgement receipt for application 10/599,025 is included for applicant's convenience.

CONCLUSION

For the reasons detailed above, applicant's request for refund is **DISMISSED**.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely file a proper response 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.

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

Atth: N417 Receipt

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HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO IL 60606

MAILED

MAY 04 2010

OFFICE OF PETITIONS

In re Application of
John Fleming Walker
Application No. 10/593,386
Filed: December 4, 2006
Attorney Docket No. 7251/96026

: DECISION ON APPLICATION
:FOR PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT" filed November 9, 2009. Applicants request that the patent term adjustment at the time of the mailing of the Notice of Allowance be corrected from 238 days to 267 days.

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

On September 21, 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 (PTA) to date is 238 days. The instant application for patent term adjustment was timely filed[1]. Applicants dispute the reduction of 29 days of PTA pursuant to 1.704(c)(8) for the filing of a supplemental information disclosure statement on July 30, 2009.

On July 1, 2009 applicants filed a response to the non-final Office action mailed March 2, 2009. Then on July 30, 2009, applicants filed a Supplemental Response.

Applicant's arguments have been considered, but not found to be persuasive. Pursuant to 37 CFR § 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution.

In this instance, the filing of the Supplemental Information Disclosure Statement on July 30, 2009 is considered a failure to engage under 1.704(c)(8). The record does not support a conclusion that the IDS was expressly requested by the examiner and neither did the IDS include a statement meeting the requirements of 37 CFR 1.704(d). See 37 CFR 1.704(d). The rule requires that information disclosure statement was first cited in

[1] PALM records indicate that the Issue Fee was also received on November 9, 2009.

a communication from a foreign patent office in a counterpart application and that communication was not received by by any individual in 37 CFR 1.56(c) more than thirty days prior to the filing of the information disclosure statement.

In view thereof, it is concluded that the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is 238 days.

The record supports a conclusion that this application is not subject to a terminal disclaimer"

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

/Kery A. Fries/

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

03 JUL 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

WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:	
HANSSEN, Peter et al.	:	
Application No.: 10/593,400	:	DECISION
PCT No.: PCT/SE2005/00396	:	
Int. Filing Date: 17 March 2005	:	ON PETITION UNDER
Priority Date: 19 March 2004	:	
Docket No.: 1103326-0913	:	37 CFR 1.10(d)
For: A CONTAINER FOR PILLS AND A METHOD OF FORMING SUCH A CONTAINER	:	

This decision is in response to applicants' Petition Under 37 CFR 1.10(d), filed in the United States Patent and Trademark Office on 03 May 2007.

BACKGROUND

On 17 March 2005, applicant filed international application PCT/SE2005/00396, which claimed a priority date of 20 December 2002. A copy of the international application was transmitted to the Office by the International Bureau on 29 September 2005. Accordingly, the thirty month period for paying the basic national fee expired at midnight on 19 September 2006.

Applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee. It was accorded a filing date of 19 September 2006.

On 03 May 2007, applicant submitted the instant petition, accompanied by a copy of the Express Mail label.

DISCUSSION

In the instant petition, applicant requests that the receipt date be amended to 18 September 2006. The Express Mail mailing label "date in" is blank.

Applicant argues that the application was submitted to the USPS on 18 September 2006. 37 CFR § 1.10(d) allows an applicant to petition to correct an incorrectly entered or omitted "Date In" and states that:

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

Applicant has satisfied items (1) and (2). The petition was filed promptly and the papers in the file reflect the mailing label number.

Item (3) has not been satisfied. Applicant has provided a copy of the Express Mail mailing label. However, other than "Sep 18," the stamp is illegible. Further, applicant has not provided a statement from the person who deposited the package that it was deposited on 18 September 2006, with USPS prior to the last scheduled pickup for that day. The certificate on the original correspondence was created prior to deposit and demonstrates an intent to deposit the papers on 18 September 2006, but could not demonstrate actual knowledge that the papers were deposited on 18 September 2006. Currently, the date accorded by the Office, which matches the USPS Track/Confirm date, conflicts with the stamp on the Express Mail mailing label. Additional evidence is required.

CONCLUSION

For the reasons listed above, applicant's petition under 37 CFR 1.10(d) to correct the date of receipt of the papers for entry into the national stage in the United States to 18 September 2006 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 1.10(d)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450,

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

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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PROSKAUER ROSE LLP
One International Place
Boston MA 02110

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JUN 2 1 2010

OFFICE OF PETITIONS

In re Application of
David P. Fairlie, et al.
Application No. 10/593,407
Filed: January 29, 2007
Attorney Docket No. 23558-023 US NAT'L

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed May 14, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 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.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **DAVIES COLLISON CAVE**
PERKINS COIE LLP
607 FOURTEENTH STREET, NW
WASHINGTON, DC 20005

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KENNETH I. KOHN
KOHN & ASSOCIATES
30500 NORTHWESTERN HIGHWAY
SUITE 410
FARMINGTON HILLS MI 48334

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JUL 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Kim et al.	:	
Application No. 10/593,412	:	DECISION ON PETITION
Filed: September 18, 2006	:	
Attorney Docket No. 3087.00024	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 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 Restriction Requirement mailed April 30, 2008, 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 May 31, 2008. A Notice of Abandonment was mailed December 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 a response to the Restriction Requirement, (2) the petition fee of $810.00 and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1639 for appropriate action by the Examiner in the normal course of business on the reply received.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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WILMERHALE/COLUMBIA UNIVERSITY
399 PARK AVENUE
NEW YORK NY 10022

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MAR 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Vitolo et al.	:	
Application No. 10/593,427	:	ON PETITION
Filed: October 23, 2008	:	
Attorney Docket No. 19240.218US2	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 20, 2010, 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 (PTO/SB/130 form) by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. 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 1625 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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08 JUN 2007

Saliwanchik Lloyd & Saliwanchik
A Professional Association
P.O. Box 142950
Gainesville, FL 32614-2950

In re Application of	:	
MAUNDRELL, Kinsey	:	
U.S. Application No.: 10/593,432	:	
PCT No.: PCT/EP05/51267	:	DECISION
Int. Filing Date: 18 March 2005	:	
Priority Date: 18 March 2004	:	
Attorney Docket No.: ARS-131	:	
For: ANTI-LIPID RAFTS ANTIBODIES	:	

This decision is in response to applicant's "Petition to Vacate a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures" filed 30 May 2007, which is being treated as a Petition under 37 CFR 1.181.

BACKGROUND

On 18 March 2005, applicant filed international application PCT/EP05/51267 which claimed a priority date of 18 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 September 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, 18 September 2006.

On 18 September 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 copy of the international application; and a preliminary amendment.

On 07 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) indicating that the sequence listing was not in compliance with 37 CFR 1.821-1.825 in that a copy of the "sequence listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

On 30 May 2007, applicant filed "Petition to Vacate a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures."

DISCUSSION

The Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) mailed 07 May 2007 indicated that the nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements set forth in 37 CFR 1. 1.821- 825. Applicant states, "the subject application does not contain any sequences . . . " Applicant's assertion is correct that there is no need to file a sequence listing for the present application. As such, the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) mailed 07 May 2007 is vacated.

CONCLUSION

Applicant's request that the requirement for a sequence listing to be withdrawn is **GRANTED**.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

17 OCT 2006

PETER F WEINBERG
GIBSON DUNN AND CRUTCHER LLP
SUITE 4100
1801 CALIFORNIA STREET
DENVER, CO 80202

In re Application of AMUNDSON et al :
U.S. Application No.: 10/593,438 :
PCT Application No.: PCT/US2005/005813 :
Int. Filing Date: 25 February 2005 : DECISION
Priority Date Claimed: 25 February 2004 :
Attorney Docket No.: 03883-1-2-US :
For: CORONARY SINUS LOCATOR SHEATH :
FOR BIVENTRICULAR PACING :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 18 September 2006.

BACKGROUND

On 25 February 2005, applicant filed international application PCT/US2005/005813, which claimed priority of an earlier United States application filed 25 February 2004. The thirty-month period for paying the basic national fee in the United States expired on 25 August 2006.

International application PCT/US2005/005813 became abandoned as to the United States for failure to timely pay the basic national fee.

On 18 September 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 25 February 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 18 September 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DEC 11 2009

Novak Druce & Quigg, LLP
1300 Eye St. N.W.
Suite 1000 West
Washington, DC 20005

In re Application of	:	DECISION ON PETITION
Frank-Martin Wille et al.	:	TO WITHDRAW FINALITY
Application No. 10/593,453	:	OF OFFICE ACTION
Filed: September 19, 2006	:	UNDER 37 CFR 1.181
For: MOTOR VEHICLE CONTROL SYSTEM	:	

This is a decision on Applicant's petition under 37 CFR 1.181, filed August 25, 2009, to withdraw the finality of the Final Office action mailed May 26, 2009.

The petition is **DENIED**.

Applicant alleges that the final rejection mailed August 12, 2003 was premature because the amendment filed on January 29, 2009 only amended the claims to remedy certain informalities and arguing the lack of anticipation of the prior art reference to Inaba et al. (US 2002/0015035).

A review of the file reveals that a non-final Office action dated October 30, 2008 included 112, 2nd paragraph rejections and 102(b) rejection. Applicant responded with an amendment dated January 29, 2009 that amended the claims to overcome indefiniteness cited by examiner in the 112, 2nd paragraph rejections. Subsequently, a final Office action was issued on May 26, 2009 in which the examiner withdrew the 112, 2nd rejections and maintained the initial 102(b) rejection on Inaba et al., but also raised a new 102(b) rejection using the prior art reference to Obradovich (US 6,275,231).

Applicant's response to the non-final Office action dated January 29, 2009 substantially amended the claims to overcome 112, 2nd paragraph rejections. The rejections [112, 2nd] were withdrawn by the examiner. However, in clarifying the claim language, the amendment presented a change in scope of the claims by adding new limitations such as "*is accessible from*" in claims 1 and 2, "*upon inquiry*" in claim 2, "*responsive to*" in claim 4, "*selected*" in claims 5-7 and 15-16, "*including means for*" in claim 11, just to name a few, as well as deleting claim languages in claims 1, 2, 4-8, 10-16. The changes made in the claims necessitated the examiner's new art rejection. Even though the previous rejection was maintained by the examiner, it is office policy to provide applicant with a complete and thorough examination of the claims when presented. As such, it is proper for the examiner to present a new ground of rejection that was necessitated by applicant's amendment filed on January 29, 2009.

In light of 37 CFR 706.07(a) which states that "under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)", the finality of the Office action mailed on May 26,2009 was proper due to the fact

that the amendment filed on January 29, 2009 changed the scope of the claims which necessitated a new ground of rejection.

For the foregoing reasons, the petition for withdrawal of the finality is **DENIED**.

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Jack Keith at (571) 272-6878.

Katherine Matecki

Kathy Matecki, Director
Patent Technology Center 3600
(571) 272-5150

jwk/lm: 11/16/09

LM

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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	: Mark Francis Rumreich	: DECISION ON REQUEST FOR
Patent Number	: 7605832	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/593,509	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **204** 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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16 APR 2007

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK NY 10018

In re Application of
ROSEWICZ (Deceased)
Application No.: 10/593,533
PCT No.: PCT/EP05/03161
Int. Filing Date: 24 March 2005
Priority Date: 26 March 2004
Attorney Docket no.: 833.1005
For: USES OF GALECTIN-2

DECISION ON

REQUEST

UNDER 37 CFR 1.42

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 19 September 2006 and treated as a request under 37 CFR 1.42.

BACKGROUND

On 19 September 2006, applicant filed a transmittal letter requesting entry into the U.S. national stage for international application PCT/EP05/03161, along with an executed declaration to satisfy the requirements of 35 U.S.C. 371 that an oath or declaration of the inventors be furnished.

The declaration which was signed by inventors Axel Dignass and Andreas Sturm and by the heir for deceased inventor Stefan Rosewicz including their respective country of citizenship, residency and mailing address.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative (heir) of a deceased inventor, the oath or declaration must state that the person is a legal representative (heir) and indicate the citizenship, residency and mailing address of the legal representative (heir). The declaration must also state the citizenship, residency and last mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).

The declaration is unacceptable for several reasons. First, the declaration does not state

the country of citizenship, former residency and mailing address for *both* the deceased inventor and the heir(s), for compliance with 37 CFR 1.497(b)(2). The new declaration must provide the citizenship, residency and mailing address of the heir(s) and the citizenship, last known residency and mailing address of the deceased inventor.

Second, it is unclear whether Ehrengard Rosewicz is the only heir of deceased inventor Stefan Rosewicz. (See MPEP §409.01(a)). That is, there may be other heirs who are required to also sign the declaration. A new declaration must indicate that Ehrengard Rosewicz is the only heir for the deceased inventor to accept the application under 37 CFR 1.42. Alternatively, applicants' attorney may file a statement certifying that Ehrengard Rosewicz is the only heir.

For the reasons stated above, a new declaration is required in compliance with 37 CFR 1.497 and 1.64. Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE.**

The declaration by the legal representative for deceased inventor Stefan Rosewicz submitted on 19 September 2006 cannot be accepted as a proper declaration under 37 CFR 1.497(a) and (b) at this time.

Applicants are required to submit a new declaration executed by the legal representative for deceased inventor Stefan Rosewicz **TWO (2) MONTHS** from the mail date of this decision.

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

2 5 JUN 2007

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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY, 12TH FLOOR
NEW YORK, NEW YORK 10036

In re Application of ROSEWICZ (Deceased) Application No.: 10/593,533 PCT No.: PCT/EP05/03161 Int. Filing Date: 24 March 2005 Priority Date: 26 March 2004 Attorney Docket no.: 833.1005 For: USES OF GALECTIN-2	:	DECISION ON REQUEST UNDER 37 CFR 1.42

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 14 June 2007 and treated as a request under 37 CFR 1.42.

BACKGROUND

On 19 September 2006, applicant filed a transmittal letter requesting entry into the U.S. national stage for international application PCT/EP05/03161, along with an executed declaration to satisfy the requirements of 35 U.S.C. 371 that an oath or declaration of the inventors be furnished.. The declaration which was signed by inventors Axel Dignass and Andreas Sturm and by the heir for deceased inventor Stefan Rosewicz including their respective country of citizenship, residency and mailing address.

On 16 April 2007, a decision was mailed to applicant indicating that the declaration was unacceptable and did not comply with 37 CFR 1.497.

On 14 June 2007, applicant filed a "Response to Decision on Request under 37 CFR 1.42".

DISCUSSION

37 CFR 1.497(a)(3) requires that the *declaration identify each inventor and the country of citizenship of each inventor.* 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative (heir) of a deceased inventor, the oath or declaration must state that the person is a legal representative (heir) and indicate the citizenship, residency and mailing address of the legal representative (heir). The declaration must also state the citizenship, residency and last mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).

The declaration submitted on 14 June 2007 does not satisfy 37 CFR 1.497(a) and (b). The declaration identifies only the deceased inventor and the sole heir of the deceased inventor,

which indicates that the deceased inventor was a sole inventor. It fails to identify the joint inventors and provide their respective country of citizenship, residency and mailing addresses along with that of the deceased inventor and the heir, for compliance with 37 CFR 1.497(a) and (b).

A new declaration must be provided which identifies all joint inventors, including the deceased inventor and the sole heir. The declaration, executed by the sole heir, must provide the citizenship, residency and mailing address of the joint inventors, the deceased inventor and the sole heir. The sole heir must be identified as such.

For the reasons stated above, a new declaration, executed by the sole heir, is required in compliance with 37 CFR 1.497 and 1.64. Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE.**

The declaration by the legal representative for deceased inventor Stefan Rosewicz submitted on 17 June 2007 cannot be accepted as a proper declaration under 37 CFR 1.497(a) and (b) at this time.

Applicants are required to submit a new declaration executed by the legal representative for deceased inventor Stefan Rosewicz **TWO (2) MONTHS** from the mail date of this decision.

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

/Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

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Alexandria, VA 22313-1450
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23 OCT 2007

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK NY 10018

In re Application of
ROSEWICZ (Deceased)
Application No.: 10/593,533
PCT No.: PCT/EP05/03161
Int. Filing Date: 24 March 2005
Priority Date: 26 March 2004
Attorney Docket no.: 833.1005
For: USES OF GALECTIN-2

DECISION ON

REQUEST

UNDER 37 CFR 1.42

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 11 July 2007 and treated as a request under 37 CFR 1.42.

BACKGROUND

On 19 September 2006, applicant filed a transmittal letter requesting entry into the U.S. national stage for international application PCT/EP05/03161, along with an executed declaration to satisfy the requirements of 35 U.S.C. 371 that an oath or declaration of the inventors be furnished.. The declaration was signed by inventors Axel Dignass and Andreas Sturm and by the heir for deceased inventor Stefan Rosewicz and identifed their respective country of citizenship, residency and mailing address.

On 16 April 2007, a decision was mailed to applicant indicating that the declaration was unacceptable and did not comply with 37 CFR 1.497 (a) and (b).

On 14 June 2007, applicant filed a "Response to Decision on Request under 37 CFR 1.42". On 25 June 2007, a decision was mailed indicating that the declaration did not satisfy 37 CFR 1.497(a) and (b).

DISCUSSION

37 CFR 1.497(a)(3) requires that the *declaration identify each inventor and the country of citizenship of each inventor*. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative (heir) of a deceased inventor, the oath or declaration must state that the person is a legal representative (heir) and indicate the citizenship, residency and mailing address of the legal representative (heir). The declaration must also state the citizenship, residency and last mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).

The declaration submitted on 11 July 2007 satisfies 37 CFR 1.497(a) and (b). The new declaration identifies all joint inventors, including the deceased inventor and the sole heir and provides the citizenship, residency and mailing address of the joint inventors, the deceased inventor and the sole heir. The sole heir is identified as such.

For the reasons stated above, a new declaration, executed by the sole heir, is compliance with 37 CFR 1.497 and 1.64. Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

It is noted that the declaration executed by the sole heir includes a Power of Attorney to the law firm of Pearl Cohen Zedek Latzer, LLP. This is insufficient to change the correspondence address for this application. See 37 CFR 1.33, which indicates that a change in the correspondence address can be made only by all applicants, not by only one applicant. A copy of this decision is being sent to the attorneys of record and to the attorneys who filed the petition to advise them that the correspondence address has not been changed.

CONCLUSION

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

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date is **11 July 2007.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

cc: Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036

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P.O. Box 1450
Alexandria, VA 22313-1450
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27 OCT 2006

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE WI 53202-4497

In re Application of:
HATRICK-SMITH, John
U.S. Application No.: 10/593,534
PCT No.: PCT/NZ2005/000016
International Filing Date: 14 February 2005
Priority Date: 13 February 2004
Atty Docket No.: 550639.00009
For: A SHOWER ENCLOSURE AND BASE

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 19 September 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" satisfies the requirements of 37 CFR 1.137(b)(3).

Applicant has now submitted the basic national fee, and the requirements of 37 CFR 1.137(b) have been satisfied. 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. 17-0055 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 19 September 2006.

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

10/27/2006 SBASHEIR 00000003 170055 10593534
Sale Ref: 00000003 DAH: 170055 10593534
01 FC:1617 130.00 DA

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30 APR 2007

Jay S. Cinamon
Abelman, Frayne and Schwab
666 Third Avenue
New York NY 10017-5621

In re Application of	:	DECISION ON
AUBERBACH et al.	:	
Serial No.: 10/593,553	:	
PCT No.: PCT/IL05/00357	:	PETITION UNDER
Int. Filing Date: 30 March 2005	:	
Priority Date: 30 March 2004	:	
Attorney's Docket No.: 207,840	:	37 CFR 1.10(c)
For: MONITORABLE LOCKING ASSEMBLIES	:	

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.10(c) TO CORRECT FILING DATE", filed 05 December 2006, to accord a filing date of 18 September 2006 to the above-identified application papers. No petition fee is required.

BACKGROUND

On 30 March 2005, applicant filed international application No. PCT/IL05/00357, which claimed a priority date of 30 March 2004 and which designated the United States. The deadline for payment of the basic national fee was to expire 30 months from the priority date, or on 30 September 2006.

On 18 September 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee. These papers were accorded a filing date of 19 September 2006.

On 05 December 2006, applicant filed the present petition, which included a copy of the Customer Receipt of the "Express Mail" mailing label #ER059676290US.

DISCUSSION

A review of the application file reveals that Applicant filed a applicant filed a transmittal letter for entry into the national stage. A review of the USPTO finance records for this application indicates that the basic national fee was paid.

Applicant requests that the national stage papers be accorded a filing date of 18 September 2006. A review of the Express Mail label #ER059676290US reveals that it was addressed to the "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450". The Customer Copy of the Express Mail label bears a USPS barrel stamp of "SEP 18 2006". In support of the petition, applicant also submitted a letter from a USPS postal supervisor concerning the processing and date-stamping of Express Mailings.

This is sufficient evidence to establish with reasonable certainty that the national stage papers were deposited with the United States Postal Service as an "Express Mail" Mailing on 18 September 2006. Specifically, the Express Mail label #ER059676290US is the same number that appears on the Transmittal Letter. The indication of the "Express Mail" label number appearing on the Transmittal Letter ties the "Express Mail" label and the Transmittal Letter together such that it is clear that the national stage papers were deposited on 18 September 2006.

CONCLUSION

Applicant's petition requesting that the national stage papers be accorded a receipt date of 18 September 2006 is **GRANTED**.

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: 571-272-3286

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VIERING, JENTSCHURA & PARTNER - OSR
3770 HIGHLAND AVE.
SUITE 203
MANHATTAN BEACH CA 90266

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Wolfgang LANGGASSNER et al.	:	
Application No. 10/593,555	:	DECISION ON PETITION
Filed: September 20, 2006	:	
Attorney Docket No. P40215US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 03, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed June 30, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 1, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the corrected drawings; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the corrected drawings are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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.
10/593,561	09/20/2006	Masao Nonaka	2006_1576A	1654

52349 7590 05/19/2008

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

EXAMINER	
BARRON JR, GILBERTO	

ART UNIT	PAPER NUMBER
2132	

MAIL DATE	DELIVERY MODE
05/19/2008	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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MAY 16 2008

TECHNOLOGY CENTER 2100

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

In re Application of: Nonaka et al.
Application No. 10/593,561
Filed: September 20, 2006
For: **UNAUTHORIZED CONTENTS DETECTION SYSTEM**

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) program and the petition under 37 CFR 1.102(d), filed March 27, 2008 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 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 fail to include:

A. Item 2 above. Specifically,

1) Applicant is required to **submit a copy of the allowable/patentable claim(s)** from **the JPO application(s)** ***to which priority under 35 U.S.C. 119(a) has been validly claimed*** (refer items 1 and 2 above) along with an English translation thereof and a statement that the English translation is accurate.

In the instant petition, the claims correspondence table is incomplete because the corresponding Japanese Application Number are not listed in the table. The "Verification of Translation" document states that the translation is of "claims of Japanese Patent Application No. 2006-519466 filed to the JPO on December 20, 2007". The instant U.S. application does not claim any priority to the JP application JP2006-519466. The relationship between the instant U.S. application and the JP2006-519466 has not been established. Further, it is not clear if the translation are of the **allowed claims** of the corresponding Japanese Application.

B. Item 3 and 5 above. Specifically,

Item 3 requires that
(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)) ***to which priority under 35 U.S.C. 119(a) has been validly claimed***

and Item 5 requires that
(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;

The petition fails to satisfy requirements 3 and 5 for the same reasons as stated with respect to item 2 above.

Additionally, applicant is required to provide a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s).

The Petition is **DISMISSED**.

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 submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

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
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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.
10/593,561	09/20/2006	Masao Nonaka	2006_1576A	1654

52349 7590 06/25/2008

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

EXAMINER	
BARRON JR, GILBERTO	

ART UNIT	PAPER NUMBER
2132	

MAIL DATE	DELIVERY MODE
06/25/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 25 2008

TECHNOLOGY CENTER 2100

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

In re Application of: Nonaka et al.
Application No. 10/593,561
Filed: September 20, 2006
For: **UNAUTHORIZED CONTENTS DETECTION SYSTEM**

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) program and the petition under 37 CFR 1.102(d), filed March 27, 2008, and the request for reconsideration of adverse decision filed May 28, 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 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
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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.
10/593,564	09/20/2006	Mitsuru Toishi	293631US8PCT	1645

7590 01/31/2008

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

EXAMINER	
CHANG, AUDREY Y	

ART UNIT	PAPER NUMBER
2872	

NOTIFICATION DATE	DELIVERY MODE
01/31/2008	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Patent Publication Branch
Office of Data Management